FEDERAL LEGISLATION TO COMBAT DRUNK DRIVING INCLUDING NATIONAL DRIVER REGISTER

HEARING

BEFORE THE

SUBCOMMITTEE ON SURFACE TRANSPORTATION

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

UNITED STATES SENATE

NINETY-SEVENTH CONGRESS

SECOND SESSION

ON

S. 671

TO AMEND SECTION 402 OF TITLE 23, UNITED STATES CODE, RELATING TO ESTABLISHMENT BY EACH STATE OF COMPREHENSIVE ALCOHOL-TRAFFIC SAFETY PROGRAMS AS A PART OF ITS HIGHWAY PROGRAM

S. 672

TO REQUIRE THE SECRETARY OF TRANSPORTATION TO ADMINISTER A NATIONAL DRIVER REGISTER TO ASSIST STATE DRIVER LICENSING OFFICIALS IN ELECTRONICALLY EXCHANGING INFORMATION REGARDING THE MOTOR VEHICLE DRIVING RECORDS OF CERTAIN INDIVIDUALS

S. 2158

TO AMEND TITLE 23, UNITED STATES CODE, TO AUTHORIZE AND DIRECT THE PAYMENT OF AN INCENTIVE GRANT FOR HIGHWAY SAFETY PROGRAMS TO ANY STATE IN ANY FISCAL YEAR DURING WHICH THE STATUTES OF THE STATE INCLUDE CERTAIN PROVISIONS RELATING TO DRIVING WHILE INTOXICATED; TO ESTABLISH A NATIONAL DRIVER REGISTER; AND FOR OTHER PURPOSES

MARCH 8, 1982

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FEDERAL LEGISLATION TO COMBAT DRUNK DRIVING INCLUDING NATIONAL DRIVER REGISTER

WEDNESDAY, MARCH 3, 1982

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
SUBCOMMITTEE ON SURFACE TRANSPORTATION,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:36 a.m., in room 235, Russell Senate Office Building, Hon. John C. Danforth (chairman of the subcommittee) presiding.

OPENING STATEMENT BY SENATOR DANFORTH

Senator DANFORTH. This hearing concerns legislative possibilities for dealing with the problem of drunken driving. The Subcommittee on Surface Transportation has jurisdiction over traffic safety and clearly the problem of drunken driving is perhaps the leading traffic safety issue in the country today.

Some facts, I think, are telling and very shocking. On an average weekend night, 1 out of every 10 drivers on the road is drunk. Of all people killed in this country in single car wrecks, 65 percent are drunk. Of the 55,000 Americans who die in car accidents every year, 26,000 are killed in drunk driving incidents.

About 125,000 people are permanently disabled in drunk driving incidents each year. The drunk driving toll is the equivalent of 100 jumbo jets crashing every year with no survivors, or it is equal to an Air Florida crash—78 deaths—every day of the year, or it is one death every 21 minutes.

Now it is my view, and it is the view of others who have been active in this area—and the most active Senator has been Senator Pell—that there are legislative steps that can be taken to address this question. Some people view it as principally a law enforcement question—stiffer penalties, more certain penalties.

My own approach to it is somewhat different than that. I view it as more of an administrative question, namely certain revocation of licenses for people who flunk the chemical tests and confiscation of a vehicle for people who, having had their licenses suspended or revoked for drunken driving, continue to drive cars.

It seems to me that driving is not a right. It is a privilege. It is a privilege which traditionally is licensed by the State and that privilege should not be conferred on people who abuse it by driving while intoxicated and who pose such a terrible risk to human life.

Therefore, I, Senator Pell, and others who joined as cosponsors of the bill that was introduced yesterday took an approach to simply make the suspension a matter of administrative certainty rather than prosecutorial discretion, which I think is one of the key problems in the present laws dealing with drunken driving, and to provide for additional remedies should a person continue to drive, as is often the case, even though the license has been revoked or suspended.

Senator Cannon, do you have a statement?

OPENING STATEMENT BY SENATOR CANNON

Senator CANNON The problem of the drunken driver is a very serious one. This year 50,000 people will die from accidents on our Nation's highways. In one-half of these accidents, alcohol will be a factor. In 65 to 80 percent of all single vehicle crashes, the driver is legally drunk.

Many projects and studies have been conducted to determine how to alleviate this problem and to aid those drivers with serious drinking problems. Today we will consider proposals which have been advanced to attempt a correction of this major national safety problem. I know that the witnesses this morning all have had experience with different methods of handling the drunk driver. Drawing from their expertise, I believe the committee will benefit from a full discussion of this issue.

Our first witness, Senator Pell, has been advocating solutions to this problem for a number of years. His personal attention concerning this problem is well known among his fellow senators. Based on his study of this issue he has proposed S. 671, one of the bills we have before us this morning. Senator Danforth, chairman of the subcommittee, has also proposed legislation to combat this tragic situation. I look forward to hearing testimony on these legislative efforts.

[The bills follow:]

II

97TH CONGRESS
1ST SESSION

S. 671

To amend section 402 of title 23, United States Code, relating to establishment by each State of comprehensive alcohol-traffic safety programs as a part of its highway safety program.

IN THE SENATE OF THE UNITED STATES

MARCH 10 (legislative day, FEBRUARY 16), 1981

Mr. PELL (for himself, Mr. GLENN, Mr. HUDDLESTON, and Mr. GOLDWATER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

---

A BILL

To amend section 402 of title 23, United States Code, relating to establishment by each State of comprehensive alcohol-traffic safety programs as a part of its highway safety program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 402(b)(1) of title 23, United States Code, is amended by adding at the end thereof the following new subparagraph:

"(H) provide for comprehensive alcohol-traffic safety programs to reduce the incidence of driving

while under the influence of alcohol, including (i) mandatory enforcement programs which require, at a minimum, that any person found to be driving a motor vehicle on a public highway when the percentage of alcohol by weight in the blood of such person is 0.10 per centum or higher shall be deemed to be driving while under the influence of alcohol for purposes of such programs and that any person convicted of driving while under the influence of alcohol (I) perform not less than ten days of community service and, in the case of a person convicted of driving while under the influence of alcohol more than once in any five-year period, such person be imprisoned for not less than ten days for each such conviction after the first, (II) participate in a traffic safety or alcohol treatment program, and (III) have his license or privilege to operate a motor vehicle suspended or revoked for not less than one year, except that, in the case of a first offender who needs such license or privilege for work-related or other essential purposes, the license or privilege of such offender may be restricted for not less than one year in lieu of such suspension or revocation, (ii) alcohol treatment programs, (iii) traffic safety programs, (iv) a driver record system which identifies repeat offenders and is readily accessible to the courts in such State, and (v)

monitoring programs to assure compliance with court ordered imprisonment and community service.".

SEC. 2. The amendment made by the first section of this Act shall become effective on the day after the last day of the two-year period beginning on the date of enactment of this Act.

O

II

97TH CONGRESS
1ST SESSION

S. 672

To require the Secretary of Transportation to administer a national driver register to assist State driver licensing officials in electronically exchanging information regarding the motor vehicle driving records of certain individuals.

IN THE SENATE OF THE UNITED STATES

MARCH 10 (legislative day, FEBRUARY 16), 1981

Mr. PELL introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

---

A BILL

To require the Secretary of Transportation to administer a national driver register to assist State driver licensing officials in electronically exchanging information regarding the motor vehicle driving records of certain individuals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Driver Register Act of 1981".

DEFINITIONS

SEC. 2. For purposes of this Act—

(1) the term "Advisory Committee" means the National Driver Register Advisory Committee established in section 9(a);

(2) the term "alcohol" has the meaning given such term by the Secretary of Transportation under regulations prescribed by the Secretary;

(3) the term "chief driver licensing official" means the official in each State who is authorized to (A) maintain any record regarding any motor vehicle operator's license issued by such State; and (B) grant, deny, revoke, or cancel any motor vehicle operator's license issued by such State;

(4) the term "controlled substance" has the meaning given such term in section 102(6) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802(6));

(5) the term "highway" means any road or street;

(6) the term "motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on a highway, except that such term does not include any vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail or rails;

(7) the term "motor vehicle operator's license" means any license issued by a State that authorizes an individual to operate a motor vehicle on a highway;

(8) the term "participating State" means any State that has notified the Secretary of its participation in the Register system, pursuant to section 5;

(9) the term "Register" means the National Driver Register established under section 4(a);

(10) the term "Secretary" means the Secretary of Transportation;

(11) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States; and

(12) the term "State of record" means any State that has transmitted to the Secretary, pursuant to section 6, any report regarding any individual who is the subject of a request for information made under section 7.

REPEAL OF EXISTING STATUTE

SEC. 3. The Act entitled "An Act to provide for a register in the Department of Commerce in which shall be listed the names of certain persons who have had their motor vehi-

cle operator's licenses revoked" (Public Law 86-660; 74 Stat. 526) hereby is repealed, effective at the expiration of the four-year period following the date of the enactment of this Act.

ESTABLISHMENT OF REGISTER

SEC. 4. (a) The Secretary shall establish and maintain a register to be known as the "National Driver Register", to assist chief driver licensing officials of participating States in exchanging information regarding the motor vehicle driving records of individuals. The Register shall contain an index of the information that is reported to the Secretary under section 6, and shall be designed to enable the Secretary to—

(1) electronically receive any request for information made by the chief driver licensing official of any participating State under section 7;

(2) electronically refer such request to the chief driver licensing official of any State of record; and

(3) electronically relay to such chief driver licensing official of a participating State any information provided by any chief driver licensing official of a State of record in response to such request.

(b) The Secretary shall not be responsible for the accuracy of any information relayed to the chief driver licensing official of any participating State under subsection (a)(3), except that the Secretary shall maintain the Register in a

manner that ensures against any inadvertent alteration of such information during such relay.

(c)(1) The Secretary shall determine whether any information contained in any record maintained under the Act described in section 3 shall be maintained in the Register, except that no such information shall be maintained in the Register after the expiration of the six-year period following the date of the enactment of this Act if maintaining such information is inconsistent with the provisions of this Act. Any other record maintained under the Act described in section 3 shall be disposed of in accordance with chapter 33 of title 44, United States Code.

(2) The Secretary shall not maintain any report or information in the Register for more than a seven-year period after the date such report or information is entered into the Register. Such report or information shall be disposed of in accordance with chapter 33 of title 44, United States Code.

(d) The Secretary shall assign to the administration of this Act such personnel as may be necessary to ensure the effective functioning of the Register system.

(e) The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this Act.

STATE PARTICIPATION

SEC. 5. (a) Any State may become a participating State under this Act by notifying the Secretary of its intention to be bound by the provisions of section 6.

(b) Any participating State may terminate its status as a participating State under this Act by notifying the Secretary of its withdrawal from participation in the Register system.

(c) Any notification made by a State under subsection (a) or (b) shall be made in such form, and according to such procedures, as the Secretary shall establish by regulation.

REPORTS BY CHIEF DRIVER LICENSING OFFICIALS

SEC. 6. (a) The chief driver licensing official in each participating State shall, before the end of the applicable period established in subsection (c), transmit to the Secretary a report containing the information required in subsection (b) regarding any individual who—

(1) is denied a motor vehicle operator's license by such State, or is granted such a license by such State following such denial;

(2) has his motor vehicle operator's license canceled, revoked, or suspended by such State, or has such license reinstated following such cancellation, revocation, or suspension; or

(3) is convicted in such State of, or, following such conviction, is acquitted or pardoned of—

(A) a traffic offense comprising the operation of a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance;

(B) a traffic offense associated with a fatal traffic accident, reckless driving, or racing on the highways; or

(C) any other traffic offense, if the Secretary determines, in accordance with regulations prescribed by the Secretary, that information regarding any individual who is convicted of such traffic offense should be listed in the Register in order to assist any person authorized by section 7 to receive information by means of the Register system.

(b) Any report regarding an individual that is transmitted by a chief driver licensing official pursuant to subsection (a) shall contain—

(1) the legal name, date of birth (including day, month, and year), and sex of such individual;

(2) the name of the State transmitting such report; and

(3) the social security account number and the motor vehicle operator's license number of such individual;

except that any report, concerning an occurrence specified in paragraph (1), (2), or (3) of subsection (a) that occurs during the two-year period preceding the date on which such State becomes a participating State, shall be sufficient if it contains all such information that is available to such chief driver licensing official on such date.

(c) Any report required to be transmitted by a chief driver licensing official of a State under subsection (a) shall be transmitted to the Secretary—

(1) not later than thirty days after any occurrence specified in paragraph (1), (2), or (3) of subsection (a) that is the subject of such report, if the date of such occurrence is after the date on which such State becomes a participating State; or

(2) not later than the expiration of the two-year period following the date on which such State becomes a participating State, if such report concerns an occurrence specified in paragraph (1), (2), or (3) of subsection (a) that occurs during the two-year period preceding such date.

(d) Nothing in this section shall be construed to require any State to report any information concerning any occurrence that occurs before the two-year period preceding the date on which such State becomes a participating State.

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ACCESSIBILITY OF REGISTER INFORMATION

SEC. 7. (a)(1) For purposes of fulfilling his duties with respect to driver licensing, driver improvement, or highway safety, any chief driver licensing official of a participating State may request the Secretary to electronically refer any request for information regarding the motor vehicle driving record of any individual to the chief driver licensing official of any State of record.

(2) The Secretary shall electronically relay to any chief driver licensing official of a participating State who requests information under paragraph (1) any information received from the chief driver licensing official of any State of record regarding an individual identified pursuant to paragraph (1), except that the Secretary may refuse to relay any information to such official if he is the chief driver licensing official of a participating State that is not in compliance with the provisions of section 6.

(b)(1) The Administrator of the Federal Aviation Administration, for purposes of requesting information regarding any individual who has applied for, or received, a license to pilot an aircraft, may request the chief driver licensing official of the State in which the primary office of the Administrator is located, if such State is a participating State, to obtain information under subsection (a) regarding such individual. The Administrator may receive any such information ob-

tained by such chief driver licensing official regarding such individual.

(2) The Chairman of the National Transportation Safety Board, for purposes of requesting information regarding any individual who is the subject of any accident investigation conducted by the Board, may request the chief driver licensing official of the State in which the primary office of the Chairman is located, if such State is a participating State, to obtain information under subsection (a) regarding such individual. The Chairman may receive any such information obtained by such chief driver licensing official regarding such individual.

(3) Any employer of any individual who is employed as a driver of a motor vehicle, or any prospective employer of any individual who seeks employment as a driver of a motor vehicle, may request the chief driver licensing official of the State in which the individual involved is employed, or seeks employment, if such State is a participating State, to obtain information under subsection (a) regarding such individual. Such employer or prospective employer may receive any such information obtained by such chief driver licensing official regarding such individual.

(4) Any individual, for purposes of requesting information regarding such individual, may request the chief driver licensing official of any participating State to obtain informa-

tion under subsection (a) regarding such individual. Such individual may receive any such information obtained by such chief driver licensing official regarding such individual.

(5) Any request made under this subsection shall be made in such form, and according to such procedures, as the Secretary shall establish by regulation.

(c) The Secretary shall permit the use of any information maintained by the Secretary relating to the operation of the Register and any information contained in the Register, other than information specified in paragraph (1) or (3) of section 6(b), by any person who requests such information for purposes of conducting statistical research relating to the operation or utilization of the Register. Such person shall pay all direct costs of the processing of such request. Any such request shall be made in such form, and according to such procedures, as the Secretary shall establish by regulation.

(d) Any request for, or receipt of, information by means of the Register system shall be subject to the provisions of sections 552 and 552a of title 5, United States Code, and any other applicable Federal law, except that—

(1) the Secretary shall not relay, or otherwise transmit, information specified in paragraph (1) or (3) of section 6(b) to any person not authorized by this section to receive such information;

(2) any request for, or receipt of, information by any chief driver licensing official, or by any person authorized by subsection (b) to request and receive information, shall be considered to be a routine use for purposes of section 552a(b) of title 5, United States Code; and

(3) any receipt of information by any person authorized by this section to receive information shall be considered to be a disclosure for purposes of subsection (c) of section 552a of title 5, United States Code, except that the Secretary shall not be required to retain the accounting made under paragraph (1) of such subsection for more than a seven-year period after the date of such disclosure.

CRIMINAL PENALTIES

SEC. 8. (a) Any person, other than an individual described in section 7(b)(4), who receives under section 7 information specified in paragraph (1) or (3) of section 6(b), the disclosure of which is not authorized by section 7, and who, knowing that disclosure of such information is not authorized, willfully discloses such information, shall be fined not more than $10,000 or imprisoned not more than one year, or both.

(b) Any person who knowingly and willfully requests or obtains under false pretenses information specified in paragraph (1) or (3) of section 6(b) from any person who receives

such information under section 7 shall be fined not more than $10,000 or imprisoned not more than one year, or both.

ADVISORY COMMITTEE

SEC. 9. (a) There hereby is established a National Driver Register Advisory Committee, which shall advise the Secretary concerning the efficiency of the maintenance and operation of the Register, and the effectiveness of the Register in assisting States in exchanging information regarding motor vehicle driving records.

(b) The Advisory Committee shall consist of fifteen members, appointed by the Secretary, as follows:

(1) Three members from among individuals who are specialiy qualified to serve on the Advisory Committee by virtue of their education, training, or experience, and who are not employees of the Federal Government or of any State; and

(2) Twelve members, geographically representative of the participating States, from among individuals who are chief driver licensing officials of participating States.

(c)(1) Except as provided in paragraph (2) and paragraph (3), each member of the Advisory Committee shall be appointed for a term of three years.

(2) Of the members first appointed—

(A) one of the members described in subsection (b)(1) and four of the members described in subsection (b)(2) shall be appointed for a term of one year;

(B) one of the members described in subsection (b)(1) and four of the members described in subsection (b)(2) shall be appointed for a term of two years; and

(C) one of the members described in subsection (b)(1) and four of the members described in subsection (b)(2) shall be appointed for a term of three years;

as designated by the Secretary at the time of appointment.

(3) Any vacancy in the Advisory Committee shall be filled in the same manner as original appointments. Any member appointed to fill any vacancy shall serve for the remainder of the term for which his predecessor was appointed. Any member may serve after the expiration of his term until his successor has taken office.

(d) The members of the Advisory Committee shall serve without compensation, but the Secretary is authorized to reimburse such members for all reasonable travel expenses incurred by them in attending the meetings of the Advisory Committee.

(e)(1) The Advisory Committee shall meet not less than once each year.

(2) The Advisory Committee shall elect a Chairman and a Vice Chairman from among the members of the Advisory Committee.

(3) Eight members of the Advisory Committee shall constitute a quorum.

(4) The Advisory Committee shall meet at the call of the Chairman or a majority of the members of the Advisory Committee.

(f) The Advisory Committee may receive from the Secretary such personnel, penalty mail privileges, and similar services, as the Secretary considers necessary to assist it in performing its duties and functions under this section.

(g) Not less than once each year, the Advisory Committee shall prepare and submit to the Secretary a report concerning the efficiency of the maintenance and operation of the Register, and the effectiveness of the Register in assisting States in exchanging information regarding motor vehicle driving records. Such report shall include any recommendations of the Advisory Committee for changes in the Register system.

(h) The Advisory Committee shall be exempt from the requirements of section 10(e), section 10(f), and section 14 of the Federal Advisory Committee Act (5 U.S.C. Appendix).

REPORT BY SECRETARY

SEC. 10. Not later than the expiration of the nine-year period following the date of the enactment of this Act, the Secretary shall prepare and submit to the Congress a comprehensive report setting forth the extent and level of participation in the Register system, and the effectiveness of such system in the identification of unsafe drivers. Such report shall include any recommendations of the Secretary concerning the desirability of extending the authorization of appropriations for this Act beyond the period of authorization provided in section 11.

AUTHORIZATION OF APPROPRIATIONS

SEC. 11. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act for fiscal year 1981, and for each of the succeeding nine fiscal years.

O

II

97TH CONGRESS
2D SESSION

S. 2158

To amend title 23, United States Code, to authorize and direct the payment of an incentive grant for highway safety programs to any State in any fiscal year during which the statutes of the State include certain provisions relating to driving while intoxicated; to establish a national driver register; and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 2 (legislative day, FEBRUARY 22), 1982

Mr. DANFORTH (for himself, Mr. PELL, Mr. BOSCHWITZ, Mr. PACKWOOD, Mr. PRESSLER, Mr. GLENN, and Mr. GOLDWATER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

---

A BILL

To amend title 23, United States Code, to authorize and direct the payment of an incentive grant for highway safety programs to any State in any fiscal year during which the statutes of the State include certain provisions relating to driving while intoxicated; to establish a national driver register; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled

TITLE I—INCENTIVE GRANTS FOR STATES WITH STRICT DRIVING WHILE INTOXICATED STATUTES

SEC. 101. Section 402 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(k)(1) The Secretary shall make an incentive grant to any State in the first fiscal year during which there is in effect in such State, as determined by the Secretary, a statute of general applicability—

"(A) requiring an administrative action to suspend an individual's motor vehicle operator's license or permit for one year when a law enforcement officer of the State requests the individual to submit, within a reasonable time after the law enforcement officer observes the individual operating a motor vehicle on a public road of the State, to a chemical test to determine whether the individual was intoxicated while operating the motor vehicle and—

"(i) the individual refuses to submit to such test and does not offer to submit to any other test acceptable to the State to determine whether the individual was intoxicated while operating the motor vehicle; or

"(ii) the law enforcement officer determines, using a test acceptable to the State, that the individual was intoxicated while operating the motor vehicle; and

"(B) requiring the confiscation by and forfeiture to the State of any motor vehicle operated on a public road of the State by any individual during any period for which the individual's motor vehicle operator's license or permit is suspended or revoked by reason of a violation of the laws of any State relating to the operation of a motor vehicle while intoxicated.

"(2) The incentive grant payable to a State in any fiscal year under paragraph (1) of this subsection shall be—

"(A) in an amount equal to the amount apportioned to such State during such fiscal year under subsection (c) of this section; and

"(B) in addition to other funds payable to such State in such fiscal year under this section.

"(3) The incentive grant payable to a State in any fiscal year may be used by such State only to promote the purposes of this chapter.

"(4) For the purposes of paragraph (1) of this subsection—

"(A) the term 'administrative action to suspend' means a suspension by an agency or other instrumentality of the State upon the failure of the individual—

"(i) to show cause to such agency or instrumentality, at a hearing requested by the individual not later than seven days after the date of the occurrence of circumstances described in paragraph (1)(A) of this subsection, why, based on criteria and standards prescribed by the Secretary, the individual's license or permit should not be suspended; or

"(ii) to request, within the time period described in subclause (i) of this clause, that the agency or instrumentality conduct a hearing at which the individual may show cause why, based on such criteria and standards, the individual's license or permit should not be suspended;

"(B) the term 'intoxicated' means that there is present in the blood not less than ten one-hundredths of 1 percent, by weight, of alcohol; and

"(C) the term 'public road' has the same meaning as provided in the fourth sentence of subsection (c) of this section.".

SEC. 102. The amendments made by this Act shall take effect October 1, 1982.

TITLE II—NATIONAL DRIVER REGISTER

SEC. 201. This title may be cited as the "National Driver Register Act of 1982".

DEFINITIONS

SEC. 202. For purposes of this title, the term—

(1) "Advisory Committee" means the National Driver Register Advisory Committee established in section 210(a) of this title;

(2) "alcohol" has the meaning given such term by the Secretary of Transportation under regulations prescribed by the Secretary;

(3) "chief driver licensing officials" means the official in each State who is authorized to (A) maintain any record regarding any motor vehicle operator's license issued by such State; and (B) grant, deny, revoke, suspend or cancel any motor vehicle operator's license issued by such State;

(4) "controlled substance" has the meaning given such term in section 102(6) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802(6));

(5) "highway" means any road or street;

(6) "individual" means a citizen of the United States or an alien lawfully admitted to the United States for permanent residence;

(7) "motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on a highway, except that such term does not include any vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail or rails;

(8) "motor vehicle operator's license" means any license issued by a State which authorizes an individual to operate a motor vehicle on a highway;

(9) "participating State" means any State which has notified the Secretary of its participation in the Register system, pursuant to section 205 of this title;

(10) "Register" and "Register system" mean the National Driver Register established under section 204(a) of this title;

(11) "Secretary" means the Secretary of Transportation;

(12) "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States; and

(13) "State of record" means any State which has transmitted to the Secretary, pursuant to section 206

of this title, any report regarding any individual who is the subject of a request for information made under section 207 of this title.

REPEAL OF EXISTING STATUTE

SEC. 203. The Act entitled "An Act to provide for a register in the Department of Commerce in which shall be listed the names of certain persons who have had their motor vehicle operator's licenses revoked" (Public Law 86–660; 74 Stat. 526) hereby is repealed, effective at the expiration of the ninety-day period following the date of enactment of this Act.

ESTABLISHMENT OF REGISTER

SEC. 204. (a) The Secretary shall, within ninety days after the date of enactment of this Act, establish and thereafter maintain a register to be known as the National Driver Register, to assist chief driver licensing officials of participating States in exchanging information regarding the motor vehicle driving records of individuals. The Register shall contain an index of the information that is reported to the Secretary under section 206 of this title, and shall be designed to enable the Secretary, either electronically or, until such time as all States are capable of participating electronically, through the United States mails, to—

(1) receive information submitted under section 206(a) of this title by the chief driver licensing official of any State of record;

(2) receive any request for information made by the chief driver licensing official of any participating State under section 207 of this title;

(3) refer such request to the chief driver licensing official of any State of record; and

(4) relay to the chief driver licensing official of a participating State any information provided by any chief driver licensing official of a State of record in response to such request.

(b) The Secretary shall not be responsible for the accuracy of any information relayed to the chief driver licensing official of any participating State under subsection (a)(4) of this section, except that the Secretary shall maintain the Register in a manner that insures against any inadvertent alteration of information during any relay.

(c)(1) The Secretary shall within sixty days after the date of enactment of this Act, implement procedures for the orderly transition from the system for relaying information regarding the motor vehicle driving records of individuals which is in effect on the date of enactment of this Act to the Register established under section 204(a) of this title.

(2) In accordance with the provisions of paragraph (1) of this section, such procedures may provide for the incorporation in the Register of information contained in the system for relaying information regarding the motor vehicle driving records of individuals which is in effect on the date of repeal specified in section 203 of this title. No such information shall be maintained in the Register after the expiration of the seven-year period following the date of the enactment of this Act if maintaining such information is inconsistent with the provisions of this Act. Any other record maintained under the Act described in section 203 of this title shall be disposed of in accordance with the provisions of chapter 33 of title 44, United States Code.

(3) The Secretary shall not maintain any report or information in the Register for more than a seven-year period after the date such report or information is entered into the Register or the date the State of record removes it from the State's file, whichever is earlier. Such report or information shall be disposed of in accordance with the provisions of chapter 33 of title 44, United States Code.

(4) If the chief driver licensing official of any participating State finds that information which has been transmitted for inclusion in the Register under this section is erroneous, such official shall immediately notify the Secretary of the

error. The Secretary shall provide for the immediate deletion from the Register of such erroneous material.

(d) The Secretary shall assign to the administration of this Act such personnel as may be necessary to insure the effective functioning of the Register system.

(e) The Secretary may prescribe such regulations as may be necessary to carry out the provisions of this title.

STATE PARTICIPATION

SEC. 205. (a) Any State may become a participating State under this title by notifying the Secretary of its intention to be bound by the provisions of section 206 of this title.

(b) Any participating State may terminate its status as a participating State under this title by notifying the Secretary of its withdrawal from participation in the Register system.

(c) Any notification made by a State under subsection (a) or (b) of this section shall be made in such form, and according to such procedures, as the Secretary shall establish by regulation.

REPORTS BY CHIEF DRIVER LICENSING OFFICIALS

SEC. 206. (a) The chief driver licensing official in each participating State shall, as soon as practicable after the date of enactment of this Act, transmit to the Secretary a report containing the information required in subsection (b) of this section regarding any individual—

(1) who is denied a motor vehicle operator's license by such State on grounds other than for failure to pass a written, visual or driving examination, or for reasons of financial responsibility;

(2) whose motor vehicle operator's license is canceled, revoked, or suspended by such State, except for reasons of financial responsibility, or who has such license reinstated following such cancellation, revocation, or suspension, due to previous error in action with respect to such license; or

(3) who is convicted in such State of the following motor vehicle-related offenses or comparable offenses—

(A) operation of a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance;

(B) a traffic violation arising in connection with a fatal traffic accident, reckless driving, or racing on the highways;

(C) failure to render aid or provide identification when involved in an accident which results in a fatality or personal injury; or

(D) perjury or the knowledgeable making of a false affidavit or statement to officials in connection with activities governed by a law or regula-

tion relating to the ownership or operation of a motor vehicle.

(b) Any report regarding an individual which is transmitted by a chief driver licensing official pursuant to subsection (a) of this section shall contain—

(1) the legal name, date of birth (including day, month, and year), height, weight, eye and hair color, and sex of such individual;

(2) the name of the State transmitting such information; and

(3) the social security account number, if used by the reporting State for driver record or motor vehicle license purposes, and the motor vehicle operator's license number of such individual (if that number is different from the operator's social security account number);

except that any report concerning an occurrence specified in subsection (a) (1), (2), or (3) of this section which occurs during the two-year period preceding the date on which such State becomes a participating State shall be sufficient if it contains all such information as is available to the chief driver licensing official on such date.

(c) Any report required to be transmitted by a chief driver licensing official of a State under subsection (a) of this section shall be transmitted to the Secretary—

(1) not later than twenty days after receipt by a State motor vehicle department of any information specified in subsection (a) (1), (2), or (3) of this section which is the subject of such report, if the date of such occurrence is after the date on which such State becomes a participating State; or

(2) not later than the expiration of the two-year period following the date on which such State becomes a participating State, if such report concerns an occurrence specified in subsection (a) (1), (2), or (3) of this section that occurs during the two-year period preceding such date.

(d) If a record of conviction of a traffic offense has been transmitted by the chief driver licensing official of any participating State for inclusion in the Register and the conviction is subsequently reversed, such official shall immediately notify the Secretary of such reversal. The Secretary shall provide for the immediate deletion from the Register of the record of conviction.

(e) Any such information shall be retained for not longer than seven years following receipt by the Secretary, or until an electronic referral system in accordance with the provisions of section 207 of this title is in full operation, whichever is earlier.

(f) Nothing in this section shall be construed to require any State to report any information concerning any occurrence which occurs before the two-year period preceding the date on which the State becomes a participating State.

ACCESSIBILITY OF REGISTER INFORMATION

SEC. 207. (a)(1) For purposes of fulfilling his duties with respect to driver licensing, driver improvement, or highway safety, the chief driver licensing official of any participating State may, on and after the date of enactment of this Act, request the Secretary to refer electronically or through the United States mails any request for information regarding the motor vehicle driving record of any individual to the chief driver licensing official of any State of record.

(2) The Secretary shall electronically or through the United States mails relay to any chief driver licensing official of a participating State who requests information under paragraph (1) of this subsection any information received from the chief driver licensing official of any State of record regarding an individual in accordance with paragraph (1) of this subsection, except that the Secretary may refuse to relay any information to any such official who is the chief driver licensing official of a participating State which is not in compliance with the provisions of section 206 of this title.

(b)(1) Any agency of the Government of the United States, for purposes of requesting information regarding any

individual who has applied for, or received, a United States Government Motor Vehicle Operator Identification Card, SF–46, or a license to pilot an aircraft, may request the chief driver licensing official of a State in which an office of the Government of the United States is located to obtain information regarding such individual under subsection (a) of this section. Any such agency may receive any information obtained by the chief driver licensing official regarding such individual.

(2) The Chairman of the National Transportation Safety Board and the Administrator of the Bureau of Motor Carrier Safety, for purposes of requesting information regarding any individual who is the subject of any accident investigation conducted by the Board or Bureau, may request the chief driver licensing official of a State in which an office of the Government of the United States is located to obtain information under subsection (a) of this section regarding such individual. The Chairman and Administrator may receive any such information.

(3) Any employer of any individual who is employed as a driver of a motor vehicle, or any prospective employer of any individual who seeks employment as a driver of a motor vehicle, may, after having obtained the written permission of that individual, request the chief driver licensing official of the State in which the individual is employed, or seeks em-

ployment, to obtain information under subsection (a) of this section regarding the individual. An employer or prospective employer may receive such information regarding any such individual, and shall make that information available to the affected individual.

(4) Any individual, in order (A) to determine whether the Register is providing any data regarding him or the accuracy of any such data; or (B) to obtain a certified copy of data provided through the Register regarding him, may request the chief driver licensing official of a State to obtain information regarding him under subsection (a) of this section.

(5) Any request made under this subsection shall be made in such form, and according to such procedures, as the Secretary shall establish by regulation.

(c) Any request for, or receipt of, information by means of the Register shall be subject to the provisions of sections 552 and 552a of title 5, United States Code, and any other applicable Federal and State law, except that—

(1) the Secretary shall not relay, or otherwise transmit, information specified in section 206(b) (1) or (3) of this title to any person not authorized by this section to receive such information;

(2) any request for, or receipt of, information by any chief driver licensing official, or by any person authorized by subsection (b) of this section to request and

receive information, shall be considered to be a routine use for purposes of section 552a(b) of title 5, United States Code; and

(3) any receipt of information by any person authorized by this section to receive information shall be considered to be a disclosure for purposes of section 552a(c) of title 5, United States Code, except that the Secretary shall not be required to retain the accounting made under paragraph (1) of such section for more than a seven-year period after the date of such disclosure.

PILOT TEST PROGRAM

SEC. 208. (a) The Secretary shall design and implement, within four years after the date of enactment of this Act, a pilot test program for the purpose of demonstrating the potential effectiveness of a system for electronic referral and relay of information regarding the motor vehicle driving records of individuals.

(b) The Secretary shall solicit the participation of States which are interested in participating in such program and shall, within thirty months after the date of enactment of this Act, select four States to participate in the program.

(c)(1) The Secretary shall select States in accordance with the provisions of subsection (b) of this section from among States which have in effect, on the date of selection,

an intrastate on-line driver licensing system capable of electronically transmitting information regarding the motor vehicle driving records of individuals.

(2) The Secretary shall select only those States which indicate a willingness to participate in a comprehensive mechanical and programmatic evaluation of systems for the electronic transfer of information.

(3) The Secretary shall insure that the selection made pursuant to subsection (b) of this section is representative of varying geographical and population characteristics of the Nation, and that any States selected are noncontiguous.

(4) No State shall participate in the program unless it agrees to assist in providing information to other States regarding the electronic transfer of the motor vehicle driving records of individuals.

(d) Within three years after the date of enactment of this Act, the Secretary shall begin the pilot program authorized by subsection (a) of this section. Such program shall continue for a period of one year. In carrying out the program, the Secretary shall utilize different computer technologies and equipment in order to determine which technology and equipment is most effective for the electronic transfer of the motor vehicle driving records of individuals. The Secretary shall determine which systems and devices will best interconnect with systems and devices used in the States which are par-

ticipating in the pilot program, as well as those used in other States.

(e) Any equipment or device which is provided to a State for use in the pilot program conducted under this section may, in the discretion of the Secretary, remain with the State following the conclusion of the pilot program.

(f) Not later than one year after the conclusion of the pilot program, the Secretary shall submit to the Congress a report on the program. Such report shall include an evalation of the technology utilized during the program, together with an explanation of the nature and degree of State participation in the program. The report shall also contain an evaluation of achievements of the pilot program, as well as a projection of accomplishments which might result from the acquisition of electronic transfer equipment and methods by States other than those which participated in the pilot program.

CRIMINAL PENALTIES

SEC. 209. (a) Any person, other than an individual described in section 207(b)(4) of this title, who receives under section 207 of this title information specified in section 206(b)(1) or (3) of this title (the disclosure of which is not authorized by section 207 of this title), and who, knowing that disclosure of such information is not authorized, willfully discloses such information, shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

(b) Any person who knowingly and willfully requests or under false pretenses obtains information specified in section 206(b) (1) or (3) of this title from any person who receives such information under section 207 of this title shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

ADVISORY COMMITTEE

SEC. 210. (a) There is established a National Driver Register Advisory Committee, which shall advise the Secretary concerning the efficiency of the maintenance and operation of the Register, and the effectiveness of the Register in assisting States in exchanging information regarding motor vehicle driving records.

(b) The Advisory Committee shall consist of fifteen members, appointed by the Secretary, as follows:

(1) one member who is an employee of the Federal Government, to be appointed by the Secretary;

(2) two members from among individuals who are particularly qualified to serve the Advisory Committee by virtue of their education, training, or experience, and who are not employees of the Federal Government or of any State;

(3) two members from among groups outside the Government which represent the interests of bus and

trucking organizations, enforcement officials, labor, or safety organizations; and

(4) ten members, geographically representative of the participating States, from among individuals who are chief driver licensing officials of participating States.

(c)(1) Except for the member designated in subsection (b)(1) of this section, and except as provided in paragraphs (2), (3) and (4) of this subsection, each member of the Advisory Committee shall be appointed for a term of three years.

(2) Of the members first appointed—

(A) one of the members described in subsection (b)(2) of this section and four of the members described in subsection (b)(4) of this section shall be appointed for a term of one year;

(B) one of the members described in subsections (b) (2) or (3) of this section and four of the members described in subsections (b)(4) of this section shall be appointed for a term of two years; and

(C) four of the members described in subsection (b)(4) of this section shall be appointed for a term of three years;

as designated by the Secretary at the time of their appointment.

(3) Any vacancy in the Advisory Committee shall be filled in the same manner as the original appointment. Any member appointed to fill any vacancy shall serve for the remainder of the term for which his predecessor was appointed. Any member may serve after the expiration of his term until his successor has taken office.

(d) The members of the Advisory Committee shall serve without compensation, but the Secretary is authorized to reimburse such members for all reasonable travel expenses incurred by them in attending the meetings of the Advisory Committee.

(e)(1) The Advisory Committee shall meet at least once each year, at the call of the Chairman or a majority of its members.

(2) The Advisory Committee shall elect a Chairman and a Vice Chairman from among its members.

(3) Eight members of the Advisory Committee shall constitute a quorum.

(f) The Advisory Committee may receive from the Secretary such personnel, penalty mail privileges, and similar services as the Secretary considers necessary to assist it in performing its duties and functions under this section.

(g) At least once each year, the Advisory Committee shall prepare and submit to the Secretary a report concerning the efficiency of the maintenance and operation of the Regis-

ter, and the effectiveness of the Register in assisting States in exchanging information regarding motor vehicle driving records. Such report shall include any recommendations of the Advisory Committee for changes in the Register system.

(h) The provisions of the Federal Advisory Committee Act (5 U.S.C. Appx. 1 et seq.) shall not apply to the Advisory Committee.

REPORT BY SECRETARY

SEC. 211. Not later than the expiration of the nine-year period following the date of enactment of this Act, the Secretary shall prepare and submit to the Congress a comprehensive report setting forth the extent and level of participation in the Register system, and the effectiveness of such system in the identification of unsafe drivers. Such report shall include any recommendations of the Secretary concerning the desirability of extending the authorization of appropriations for this title beyond the period of authorization provided in section 212 of this title.

AUTHORIZATION OF APPROPRIATIONS

SEC. 212. (a) There are authorized to be appropriated in fiscal year 1983 for expenses incurred in the establishment of the Register system under this title not to exceed $2,000,000.

(b) There are authorized to be appropriated to carry out the provisions of this title not to exceed $1,200,000 in fiscal

year 1983, not to exceed $1,500,000 in fiscal year 1984, and not to exceed $2,100,000 in fiscal year 1985.

(c) Funds authorized under this section shall remain available until expended.

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Senator DANFORTH. The first witness today is the undoubted leader in the Senate in the field of being concerned about drunken driving and proposing legislative remedies for it, and that is Senator Claiborne Pell.

Senator Pell, we are delighted to have you with us.

STATEMENT OF HON. CLAIBORNE PELL, U.S. SENATOR FROM RHODE ISLAND

Senator PELL. Thank you very much, Mr. Chairman. I thank you particularly for giving me the hospitality of your committee for this hearing and congratulations on the leadership which you are exercising, because it will be your subcommittee and your committee that will bear the responsibility for what is ultimately enacted.

I do not think any of us needs to be reminded of the tragic dimensions of this problem or the extent of it. It is a dreadful comparison to make, but the loss of life in the recent Air Florida crash—78 people—is virtually identical to the number of people who die every day because of drunk drivers. Just think of it—the Nation would have to suffer an Air Florida crash every single day of the year before the commercial airline death toll would even approach the number of people who die annually on the highways.

For too long, drunk driving has been socially accepted and condoned as part of the American macho image. But I think that in the last year attitudes have finally begun to change.

Our task this morning is to consider how the Federal Government can help local law enforcement to deal more effectively with the drunken driver problem. We cannot forget that local law enforcement is our first line of defense against the drunken driver, and in considering this problem here in Washington we must remember that it is the local police, the prosecutors, and the judges who bear the responsibility for keeping drunks off our highways.

Our task as legislators is to give them the tools they need to combat this menace on the highways and your hearing, Mr. Chairman, will be a great help in getting us started on the right track.

In my own view, the cornerstone of the Federal effort should be the enactment of an alcohol safety standard comparable to the 55-mile-an-hour speed limit. Every State that is serious about combating the drunk driving menace should enforce certain minimum standards. S. 671, which I have introduced with 11 other Senators, would establish a national highway safety standard for alcohol-related offenses.

The key to this bill is using the deterrent potential of the law to create, as you said, Mr. Chairman, in your statement, the certainty of punishment for everyone convicted of driving while under the influence.

Specifically, under the national standards proposed by this bill, all convicted drivers would be subject to the same minimum penalties, namely, at least 80 hours of community service for the first offense, and 10 days in jail for those convicted two or more times within a 5-year period.

These penalties are light enough to be readily invoked, yet real enough to make an impression. The community service alternative is intended to consist of weekends or evenings assisting in hospitals

where accident victims are brought, or similar activities intended to deprive drunk drivers of their personal liberty for the equivalent of 10 working days.

In its present form, our bill would deny Federal highway safety funding to any State which did not enact the national standard for alcohol-related offenses. In a recent discussion with the administration on this point, I was encouraged by the interest in an incentive approach which would allow States to qualify for additional highway safety funding by adopting the Federal standards.

I would strongly endorse this incentive approach but would emphasize that in order to be effective it is essential we increase the size of the Federal safety program. We are presently spending only $77 million nationally on highway safety, and if we are truly serious about helping local law enforcement with this problem, we must commit ourselves to a program that truly will provide a real incentive for the States to work with the Federal Government in getting drunk drivers off the highways.

Minimum judicial penalties are only one part of a comprehensive attack on this problem. In this regard I am very glad to have cosponsored your bill, Mr. Chairman, introduced just this week, which mandates several administrative requirements in the area of license suspension and vehicle impoundment designed to keep the drunks off the highway. Your legislation also embraces a highway safety initiative I have long advocated—the computerization and upgrading of the National Driver Register.

Inadequate recordkeeping is one of the most serious problems judges and motor vehicle registrars face in keeping repeat offenders off the highways. Your provision, very similar to my bill, S. 672, would give the States a powerful weapon—the ability to deny driving privileges to people who have previously lost their licenses for drunk driving or other serious offenses. An effective National Driver Register will help keep repeat offenders off our highways and I think is one of the best low-cost ways I can think of for the Federal Government to improve highway safety.

Now in the coming weeks, Mr. Chairman, I look forward to working as closely as possible with you in melding the bills and approaches we are working with here into a single piece of comprehensive legislation, which I hope will quickly move through the 97th Congress.

Drunk driving is an issue which is absolutely nonpartisan in nature. Too many lives have been lost for us to temporize any longer, and I wish you success and thank you for this opportunity to describe my legislation to your committee.

Senator DANFORTH. Senator Pell, thank you very much.

One thing I think is worth noting is that as we proceed to a smaller automobile fleet in this country the number of highway deaths will increase regardless of what else happens. That is, the projected number of deaths just resulting from the fact that we have smaller cars rather than larger cars will go from about 50,000 to about 70,000 and, therefore, it would appear to be especially timely to consider what steps can be taken to try to offset those additional traffic fatalities.

One thing that is interesting to me about the problem of drunken driving is that such a disproportionate number of traffic deaths

are caused by people who have been drinking or who are drunk. Therefore, it is really a disproportionate number to the number of total accidents. The accidents that are caused by people who are drunk tend to be not just fender-benders but very, very serious accidents and deadly ones.

I very much appreciate your being here.

Senator Pressler.

OPENING STATEMENT BY SENATOR PRESSLER

Senator PRESSLER. Thank you very much, Mr. Chairman. I have an opening statement which I would like to put into the record, which is along the same lines.

First of all, I would like to commend the chairman of this subcommittee for calling these hearings. The problem of alcohol-related traffic accidents has reached epidemic proportions in this country. It is to the credit of this committee that we are seriously addressing the issue today, not with cosmetic or symbolic actions, but rather with a substantive legislative mandate to stop the traffic fatalities and injuries caused by drunk driving. I am proud to be a sponsor of this legislation.

In the first 9 months of 1981, over 20 percent of the accidents in my home state of South Dakota involved alcohol. More importantly, well over one-half of all fatal accidents in South Dakota for the same time period were caused by drunk drivers. Private citizens and professional drivers deserve adequate protection from the poor judgement and alcohol abuse involved in these accidents.

I have heard from many South Dakotans about this problem. Every single person calls on Congress to meet its responsibilities and find solutions to this growing national problem. I ask the chairman's permission to quote from a letter I received from a young South Dakotan because she discusses a particularly tragic problem—traffic accidents involving alcohol abuse among teenagers:

> DEAR MR. PRESSLER: I am writing to you in hopes that you will be able to help me. I would like to know if there is a committee doing anything about drunken drivers, teenagers driving drunk and drunks killing innocent people.
>
> A year ago this month I lost my best friend, because he had been drinking. But he had been drinking because he got away with it. He was only 17 years old and had no right to die. There are a lot of people out there who do not realize that this is a very serious matter. That maybe their kid may not make it home because somebody is trying to drive when they have been drinking.
>
> Mr. Pressler, this is very important and if I can in any way help to save someone from making a big mistake then I know I will be happier and I know that my friend would have done the same thing if the situation had been the other way around.
>
> Sincerely,
>
> *Beth Eckman.*

Mr. Chairman, when young people recognize the seriousness of this problem and offer their help, Congress must respond accordingly.

I am particularly supportive of Senator Danforth's proposals for several reasons. First of all, it does not require unnecessary Federal regulation. Instead it provides positive incentives for individual States to develop effective control and monitoring of alcohol-related traffic accidents. Second, this measure assists those victims who survive alcohol-related accidents and who are entitled to just com-

pensation for their suffering. Speedy enactment of this bill will define the proper role of the Federal Government—one of encouraging and coordinating State efforts on highway safety programs and just punishment for convicted drunk drivers.

Mr. Chairman, I will be receiving written statements from the South Dakota attorney general's office and from the South Dakota State Department of Public Safety. I would request that the hearing record be kept open until these statements can be included.

Let me say that I am a cosponsor of Senator Danforth's bill, and I guess the two bills are going to be melded together, but I would be happy to be a cosponsor of both and work together to meld this legislation together, because I think it is very important.

Senator Pell, let me ask you a question that I think is in my mind. In the Vietnam war we lost about 50,000 people—lives. We also had a number of injuries and there were demonstrations in the streets. We are still building memorials and so forth. We have agent orange hearings, all of which I support very much as a veteran of Vietnam.

But yet we seem to accept losing and maiming about that many people every year in automobiles without any demonstrations or any concern. I am sure there is a great deal of concern, but at least we do not do much about it. What about this double standard?

Senator PELL. It is a question of relative goals and objectives.

We, being a democracy, we really do reflect public opinion, which the world forgets. The major actions we take are usually the result of direct public opinion. Until recently there has been no public outcry about drunk driving.

Senator PRESSLER. But there is not a moral outrage about drunken driving. In fact, it is kind of something we joke about and we seem to accept a certain number—well, just a very high number—of deaths, an astoundingly high number when you compare it to the whole Vietnam war. In about 15 months we lose that many in automobile accidents. Of course, not all of them are due to drunk driving, but that number could be substantially reduced.

We just take it as given that we are going to lose somewhere between 25,000 and 50,000, with smaller cars maybe 70,000. There is not the moral outrage about drunken driving that there is about other losses of life. Nuclear plants, for example. We have not lost anybody in a nuclear plant that I know of, although some might argue that cancer has caused or there are many indirect things. But there are demonstrations.

But we do not see that about drunk driving. There are no demonstrations on a large scale about drunk driving. There is not a sort of a moral outrage about it. It is something that is looked upon humorously, as you say, sort of a macho thing.

Senator PELL. As you say, just the reverse. It is only in the last year or two that we have been able to turn public opinion around a little bit in that regard.

Senator DANFORTH. I am told that Johnny Carson drew great laughs and applause last night when he appeared on his TV program after being stopped over the weekend for drinking while driving. In fact, people feel that it is somewhat humorous. But those who have relatives who have been killed or who have been seriously injured, I think—well, I do think that there is a growing public

awareness and public outcry about this problem, if for no other reason than it should be a matter of budgetary concern.

I mean, the Federal Government is losing money. It is losing money through disability insurance payments, medicaid, medicare. We should really get the National Highway Traffic Safety Administration to give us some projections on that, but it is not an insubstantial amount of money that the Federal Government pays out in benefits of one kind or another relating to injuries caused by traffic accidents and drunken driving accidents.

So I do not think it is a matter which could be dealt with lightly and I think increasingly it is not going to be dealt with lightly.

Senator PELL. I believe the insurance industry has estimated it costs the United States over $5 billion each year as a result of these accidents.

But public opinion, as you say, Mr. Chairman, is turning on this. In the first hearing we had when my legislation was first proposed, there was very little public attention drawn to it. I notice now we have eight television cameras following today's proceedings. Well, that was inconceivable 2 or 3 years ago.

Senator DANFORTH. Senator Pell, thank you very much.

Senator Glenn.

STATEMENT OF HON. JOHN GLENN, U.S. SENATOR FROM OHIO

Senator GLENN. Thank you very much, Mr. Chairman and members of the subcommittee, for the opportunity to appear today to lend my support to what I consider to be a most important effort to help stem the tragic and senseless drain on our Nation caused by drunk driving.

I certainly commend your attention to this problem, exemplified by these hearings and by the introduction of legislative proposals that I am sure will add a great deal to the Senate's consideration of an appropriate Federal response to the appalling carnage that this societal problem visits upon thousands of American families annually.

You just mentioned a new response, and I think that is correct. I am encouraged by the response that I see across the country in State after State and in their legislatures to the problems caused by drunk driving. There is a very clear need for these efforts. No community is immune to the tragic consequences of drunk driving. I think there is scarcely a person who has not lost a family member, relative or friend in this senseless manner.

I would imagine if we asked the people in the audience here this morning to raise their hands in order to see how many have actually had to go and tell someone that there had been a tragic death in the family because of an accident or because of drunk driving, there probably would be a pretty good percentage of the audience here this morning that have experienced that, as I have, and I would be surprised if you have not experienced that too.

You have to look at children. You have to look at a widow. And you have to tell them daddy is not coming home. That is visited upon some 25,000 to 30,000 families just because of drunk driving in this country, not even counting the injuries, but visited on 25,000 or 30,000 families in this country every year.

As Senator Pressler just said, we thought it was a horrible carnage, a horrible loss of life that over all the length of the Vietnam war we lost some 50,000 people killed, yet we accept half or two-thirds of that each year in this country and make jokes about it, as you say. We make jokes about how someone came home last night blasted, made it home, made it into the driveway. He didn't even drive on the neighbor's lawn last night. It is a big joke.

All we have to do is hear those kinds of jokes on TV over and over again and it becomes acceptable in our society—this tragedy that can happen when people are out of control of their cars and do not know what they are doing, 250,000 people, approximately, dead in this decade alone.

It should be clear that a campaign against drunk driving must be everybody's business. I think this becomes or remains a local problem, but I support fully the legislation that you are putting forward. I do not think we as a Federal Government can move in into enforcement. We looked at this a couple of years ago and Senator Pell looked at this also—at what could be done to make it a Federal program. Could we make Federal enforcement in some way? Could we make Federal licensing of drivers? And all of this moved things to the Federal level more than we ever wanted to see that happen.

So I think that your approach to this thing, the carrot-and-stick approach, is a good way to do it. But it still remains a State and a local problem to enforce these laws, but I think that is where the whole thing has fallen down so far. We tend to let people off at the local level. They know somebody. They know the local prosecutor.

An officer stopping someone decides that he will not ticket him because he is a local citizen or whatever. He knows it is going to get the offender in trouble and look bad in court, and that is the kind of thing that I think we have to get into in order to solve this problem.

Senator Pell mentioned the costs of drunk driving. I have been active in the arson legislation here and I know the figures there are that about one-fourth of your home insurance bill goes to pay for arson fire, and I am sure we might be able to come up with some similar figure that indicates what portion of your automobile insurance bill, for instance, goes just to pay the costs of drunk driving.

So I do not think that this can be something that we just take over at the Federal level. We would end up with a million new Federal policemen out there on the highways trying to do their job, and I do not think that would be practical. I think your approach to this is very good.

I think the Federal Government does have a role to play in this fight. I earlier had joined Senator Pell and others in introducing legislation designed to institute uniform alcohol and traffic safety programs in each State. That is also the goal of one of the two bills that you have introduced and which I am pleased to cosponsor.

Perhaps I can ask a question this morning as well as receive any here. Does this also cover drug-related driving? It was not clear to me.

Senator DANFORTH. It does not.

Senator GLENN. And is that something we should get into, because there is evidence from some of the recent studies, I think, that there is a big increase in drug-related deaths and accidents and I think that is something we should talk about in committee and also get into.

Senator DANFORTH. I think that is an excellent suggestion. The bill in its present form does not. I do not know about Senator Pell's bill.

Senator GLENN. Drug-related driving, Claiborne, is what I was referring to, whether we have anything in our legislation now that would take on drug-related driving in conjunction with alcohol-related driving?

Senator PELL. We did not include it because, frankly, it was very hard to ascertain proof of when a person has had drugs or not. It is much more difficult and we just did not touch it in this particular bill. We could, but I think the main problem that we want to deal with is the alcohol-related deaths.

Senator GLENN. That is the main one, but the drug-related driving deaths are an increasing factor in some of the studies I have seen and there have been some newspaper accounts of it recently. I think maybe we should try to address that, if there is a way to do it.

These programs would be built on public information, strict enforcement, improved adjudication and assured penalties, so we do not have half the people that are stopped and are guilty getting off.

Mr. Chairman, I am tired—and I know you are—of reading about drunk drivers getting off the hook after they are arrested. I want to work with you as closely as we can on this because I think it is time we started focusing attention on the victims of this terrible crime.

As we sit here this day, from midnight to midnight—midnight last night to midnight tonight—the average this year will have about 70 Americans who will die on our highways, the victims of drunk drivers. I think we have to move to reduce that terrible toll. We would not accept any other cause; there is no reason to accept it from this cause.

Thank you very much.

Senator DANFORTH. Thank you, Senator Glenn. I agree with you completely about this being a matter of State law rather than Federal law. Indeed, the whole approach here is in the nature of drafting a model law for State legislatures and providing them, you know, a fairly modest carrot for adopting it, but at least to provide, hopefully, the impetus for State legislatures to consider the question.

What I found when I was State attorney general and, again, looking to this back in the early 1970's, is that the typical situation would be that a police officer would stop a person and bring him in and the breath test would be administered. The person would flunk the breath test. The case would then be turned over to the prosecuting attorney.

The prosecutor, being an elected official, would very often hesitate to do anything, would not want to do anything, because the person to be prosecuted is not the ordinary crook. It is not a burglar or bad check person, but, rather, just a citizen or person next

door, maybe a supporter of the elected official and, therefore, nothing happens.

Or, in the rare case where the prosecutor exercises discretion to prosecute, the judge more often than not is an elected official. So there are, regardless of how stiff the penalties are, in fact maybe as a function of how stiff the penalties are, there is a tendency of law enforcement people to use discretion in a way so as to not really press the case.

This in turn has an effect on the morale of law enforcement because police officers then take the position what is the use. Why should I bring the person in? Why should I press the matter if it is just going to be washed out by the prosecutor?

So the notion that I had was let us see if we cannot take the discretion out of this. If it is true that driving is a privilege and not a right and if it is true that there are certain mechanical ways of measuring drunken driving by chemical devices and breathalizers and so on, then why not make the failure to pass the breath test a prima facie case that the person has been driving while intoxicated and revoke the license administratively, automatically, rather than having a lot of discretion in the hands of the prosecutor and the criminal process. That is the nature of it.

But, as you point out, whether or not there is real progress in this area will depend on the willingness of the State legislatures to pass it. We are simply pointing the way and offering some suggestions and some inducements to State legislatures.

However, I think that is typical of the way the Federal Government has acted in the past with respect to highway safety. We do have the highway safety function, but it has not been as heavy as that of State legislatures.

Senator GLENN. I think, too, the hearing provides a useful function as a focal point in bringing home to the people the tragedy this causes, not just the jokes that surround it but the tragedy that occurs from drunk driving deaths and injuries, people maimed.

So I think as people across the country become more aware of this or have it brought to their attention and where there is a public revulsion against this then you set up a climate where local prosecutors are really more willing to prosecute and where people caught from drunk driving will not be just let off.

I think some States have open bottle laws where if there is an open liquor bottle in the car it is an offense. Well, maybe there could be something like that on drugs or marihuana or whatever. That is a mind-altering substance in the car that maybe that can be used to get some of the drug-related driving accidents also, and I would hope the committee could address that during your deliberations also.

Thank you.

Senator DANFORTH. Senator Pressler.

Senator PRESSLER. Just one brief question, and I commend you on your testimony. How would you address the criticism of this legislation that the States should be doing this, that the Federal Government has got enough other things to do, that the Federal Government should not get involved in this area?

Senator GLENN. I agree that the States should be doing it. I do not quarrel with that at all. But if the States are not doing it and

we are still killing 50,000 people out on the highways every year, and, as the chairman pointed out, probably more than one-half of them are drunk driving accidents. It just seems to me that it has become a problem of that national nature. We have to approach it with some sort of Federal approach when you have one-half the number of people being killed each year as were killed in all of the Vietnam war.

I am not for moving to a Federal licensing system. I am for a Federal registration system where we set up a computer recording system of people convicted in one State. We need a computer system somewhere to be able to let that record be known if they are picked up in another State, so that their drunk driving record follows them from State to State. We need that kind of a record-keeping system.

Senator PRESSLER. We do not have that now.

Senator GLENN. I think that would be a good thing to consider as part of any legislation. Now that would be a Federal program, but it would be a Federal information program that lets you track drunk drivers from S ate to State. I do not know what the current figures are, but a couple of years ago I think we had 20 percent of our people move from one domicile to another each year and I think it was 14 percent moving across State lines.

I think to have drunk drivers being able to escape their previous records, basically by moving across a State line to a new State, is ridiculous. I think we should have an effective centralized sort of recordkeeping system that will let the past drunk driving record be known.

Senator PRESSLER. Thank you, Mr. Chairman.

Senator DANFORTH. Senator Pell.

Senator PELL. Thank you, Mr. Chairman. I would observe that S. 672 provides a national auto register and I would hope that some way or another that concept could be melded into whatever legislation finally emerges from this committee.

Senator GLENN. Yes, and I support that.

Senator DANFORTH. Senator Cannon.

Senator CANNON. No questions.

Senator DANFORTH. Thank you very much, Senator Glenn.

The next witness is Congressman Michael Barnes.

STATEMENT OF HON. MICHAEL D. BARNES, U.S. REPRESENTATIVE FROM MARYLAND

Mr. BARNES. Good morning, Mr. Chairman. Thank you very much for providing this very needed public forum to examine the nationwide drunk driving problem and the legislation that has been proposed by Senator Pell in the Senate and I have introduced in the House that is aimed at combating this national tragedy.

I very much appreciate the opportunity to address the subcommittee this morning on what I think is clearly—and everyone has indicated this this morning—a vitally important issue. I am pleased to see that so many witnesses representing a wide variety of concerns and efforts on drunk driving at the Federal, State, and local levels are going to be appearing before your subcommittee.

Clearly it is going to take, as has already been discussed, the cooperation of all three levels of government with input from concerned citizens and the private sector if we are going to win this war against drunk drivers.

I first became active in this war in 1980 when I learned of a tragedy in my State of Maryland that struck a young mother named Cindi Lamb and her infant daughter Laura, due to the actions of a repeat offender drunk driver. As a result, Mrs. Lamb suffered numerous broken bones and dozens of stitches, but most tragically, her baby Laura, who was 5 months old at the time, was paralyzed for life from her shoulders down.

I have spent a lot of time with that little girl over the last couple of years and anyone who has seen her, I think, would share the concern that you have, Mr. Chairman, and that is expressed by holding these hearings. Due to the efforts of Cindi Lamb and others in galvanizing citizen outrage against drunk drivers, the Governor of my State, Harry Hughes, apppointed a special task force which led to the first drunk driving reform in our State in over a decade.

Simultaneous, I was motivated by my personal outrage to look further into the problem nationally. It was not difficult to discover the massive extent of the incidence of drunk driving and the all too often deaths and crippling injuries that result from drunk driving in each State throughout the Nation. I learned that drunk driving is the most often committed violent crime, yet it clearly had not been treated as such in most cases.

During the summer of 1980 I met with Administration officials from the National Highway Traffic Safety Administration, and they pointed to the bill that this subcommittee is considering today, introduced by Senator Pell, which they believed would help bring this national epidemic under control.

I then introduced the same measure in the House to help focus national attention on the problem and to provide a needed first step in an emerging battle, urging tough and effective State and local action to finally stem the tide against drunk driving, and that is the key State and local action.

When I first made public my legislation, I brought together Cindi Lamb, along with her daughter Laura, and another mother, Candy Lightner—who I am very pleased is here today—whose 13-year-old daughter was struck and killed by a drunk driver. Mrs. Lightner began her own grassroots effort, which has been called, "Mothers Against Drunk Drivers" or MADD, comprised of victims and other concerned citizens, following the death of her daughter.

It has been clear to these individuals, as it was to Senator Pell and myself, that the State had simply not dealt effectively with the drinking driver question, and as a result, the problem was left to grow to what is now epidemic proportions. I was appalled to learn that only 1 of every 2,000 drinking drivers is caught daily, while 70 of our citizens are killed and hundreds more seriously injured in drunk driving crashes every day.

Our national legislation, which has now received very strong bipartisan support from about 130 of our colleagues in the Congress, calls on each State to adopt mandatory minimum standards as part of establishing a comprehensive alcohol-traffic safety program. The

bill provides some very key elements essential to any successful program aimed at effectively deterring drunk driving.

We do not claim that the bill offers a panacea to a problem that has gotten so out of hand, but it would help to assure that the States have some strong laws, that they have stringent enforcement, better correctional programs, and effective public information and education strategies to discourage drunk driving and to punish and rehabilitate the convicted drunk driver.

The bill would not create any new Federal bureaucracy and it would leave the States with sufficient flexibility to deal with diverse local circumstances. The bill would, however, urge the States to adhere to its provisions or risk losing their share of Federal funds allotted the States through the Federal highway safety program annually.

It is no secret that the Reagan administration has not endorsed the Pell-Barnes legislation due to its so-called "carrot-and-stick" approach to encourage State action. They have had some problems with this. Senator Pell and I have been conferring with officials of the administration, including the Administrator, Ray Peck, and we all agree that we can rework this Federal bill to our mutual satisfaction by removing the "stick" from the "carrot and stick" and replacing it with greater positive incentives to get the States to implement this national policy on drunk driving and not lose their share of these important Federal dollars.

This brings me to one of my greatest concerns, and Senator Pell alluded to this earlier. Over recent months the Federal Government's role and responsibility in assisting the States in the area of alcohol safety has diminished. I am alarmed by the fact that Federal funds provided the States to carry out their DWI programs and other related problems on the highways have been cut by over one-half since 1980, from about $200 million in fiscal year 1981 to less than $100 million in fiscal year 1982. Now the administration has proposed in its fiscal year 1983 budget package further reducing that total to about $75 million.

These funds, as you know, Mr. Chairman, have played a key role in stimulating effective action against drunk driving, and as we continue to focus more attention on solutions to this problem, this Federal assistance can help the States implement these new ideas to save lives.

Just as an example, in my State of Maryland our State Police last year received a $150,000 grant from this program for overtime last year. As a result, drunk driving arrests in the State of Maryland tripled. I have heard from members of our State Police who are convinced that they are not going to be able to continue the stepped-up surveillance to remove intoxicated drivers from our roads once these funds are fully depleted.

Today I am asking, Mr. Chairman, what really are our priorities when our Nation is giving more military aid to El Salvador than it proposes to help fight our own war here at home, which is, I think, a holocaust on our highways—26,000 people killed last year in the United States. To date, the drunk driver is winning this war and will continue to win it until we put to work those weapons that will help to lay to rest the drinking driver menace.

It is clear. Drunk driving poses the greatest threat to life on our highways and one of the Nation's most critical health and safety problems. The Federal Government must not back out of the battle at this critical juncture. This is why today I am proposing a modification of my legislation which would authorize an additional $25 million in Federal aid to the States assisting them specifically to implement their comprehensive statewide DWI programs as proposed in our national legislation.

This is a tiny carrot. It is not a lot of money, but a little bit to give them the incentive to do this, and I propose this additional funding with the full confidence that the American public will support such an expenditure, even at a time of budgetary restraint.

In addition, Mr. Chairman, I support wholeheartedly an additional provision to our legislation, one that has been proposed in your newly introduced bill, allowing seizure and impoundment of the automobile of any convicted drunk driver who is caught operating a motor vehicle without a valid drivers' license. A similar bill, which has been endorsed by our Governor's drunk driving task force and my State's MADD chapter, is being considered by the Maryland State Legislature at this very moment.

Our bill has already gained bipartisan support from 118 of my colleagues in the House and I am looking forward to similar hearings before Congressman Glenn Anderson's House Surface Transportation Subcommittee a little later this year.

It is my hope that Democrats and Republicans in Congress and the administration can work in concert to put forth a reasonable and responsible national policy which offers a sound and comprehensive framework from within which the States can operate. It is within this framework that the bulk of the work has to take place in directly addressing each State's problems relating to their drunk driving problem.

This is why I joined the national leaders of MADD 1 year ago to call on each Governor to appoint his own statewide solution-oriented task force, similar to such efforts in New York, Maryland, and California, to uncover existing deficiencies in their State and local systems dealing with the alcohol-crash problem and directly addressing those problems both legislatively and administratively.

In Maryland, our Governor's task force pressed for strengthened laws and more stringent enforcement, which, combined with massive media attention, has contributed to the death rate being put on hold for the first time in our State in nearly a decade.

This kind of an effort deserves to be organized, I think, in every State and community in our Nation as one part of a combined effort among Federal, State, and local levels. In my own community of Montgomery County, Md., our county executive, Charles Gilchrist, has appointed one of the first local level investigative task forces on drunk driving in the country.

Even before the task force's formal report is made public, the response in our community has been tremendously positive, and we have evidence of a new awareness about the problem and the fact that it will no longer be tolerated in our community.

Just as an example, our county police now have unannounced roadblocks and the community newspapers have begun printing the names of convicted drunk drivers in our area. Over this past

New Year's weekend, roadblocks in Montgomery County, Md., and our neighboring county of Prince Georges, coupled with the stepped up enforcement in the District of Columbia, resulted in no fatalities on the roads in our jurisdictions. This is the first time this has happened in anybody's memory.

As a part of this cooperative effort among Federal, State, and local governmental bodies, I have long felt that the Federal Government could do more. That is why this past fall I felt compelled to organize an effort to coalesce congressional support urging President Reagan to join in the war against drunk driving by appointing a national commission.

The purpose is not to study the problems which have been studied and studied. The purpose would be to bring together many qualified persons and the available resources to formulate a national master strategy to reduce the incidence of drunk driving.

As you know, Mr. Chairman, you were one of the 340 Members of Congress to join me in this effort, assisted by my colleague Jim Hansen of Utah, who has been hit twice by drinking drivers in just the last 8 months himself. I am pleased to report that Transportation Secretary Drew Lewis has informed me of the President's approval of the national commission, and I am anxiously awaiting the President's formal announcement so that we can get to work on it right away.

I would like to point out that the national leaders of MADD [Mothers Against Drunk Drivers] were the first ones to urge such a commission in 1980, and at that time Senator Pell will recall he and I and Congressman Bob Matsui from California were the first signers of the national petition drive urging Presidential action on this. I am very grateful that so many of our colleagues and the administration, apparently, have supported this initiative.

Finally, Mr. Chairman, I want to express my very strong support for something that Senator Glenn referred to, and that is a fully functioning national driver register. As an original cosponsor of this measure, which was introduced in the House by Congressman Jim Oberstar and has been introduced by Senator Pell in the Senate, I am convinced that the national driver register can play a vital role in tracking repeat offenders across State lines. I urge the Congress, with, I hope, the full support of the administration, to enact that legislation.

In closing, the way it stands today, Mr. Chairman, one of every two people in this room today—if this is a typical cross-section of America—can expect to be involved in an alcohol-related crash in our lifetime. One out of every two people in this room can expect to be the victim of a drunk driver in our lifetime.

To most of us who have not been affected directly, that statistic may somehow seem unreal, but just ask Candy Lightner, who is here this morning, or any of the other families of the 26,000 Americans who were killed in drunk-driving crashes last year. The problem is all too real and it is not going to disappear on its own.

Drunk driving is no accident. It is a crime and we must begin to treat it as such. Again, I call on all Members of Congress to join together in a cooperative spirit to enact a responsible national policy to help cure this insanity on our highways. I believe our legislation and the momentum we have helped to create can be sup-

ported by liberals and conservatives, Democrats and Republicans alike to confront what is a preventable problem.

That is the key to this. This is not one of these problems that you talk about and you just get frustrated because you cannot think of ways to prevent it. This can be prevented with the cooperation of the president and his administration, the Congress, the Nation's lawmakers, law enforcers, judges, prosecutors, educators, parents—the public generally. We really can make significant and lasting changes to save lives and to reduce crippling injuries.

Mr. Chairman, you are really to be commended for your leadership in scheduling this hearing, for bringing this crisis to the attention of the Congress and the American public and I look forward to working with you on this legislation.

Senator DANFORTH. Thank you, Congressman Barnes.

Senator Pressler.

Senator PRESSLER. Thank you, Congressman Barnes. I wanted to ask you and perhaps staff can do this. I think we need in the record a chart which shows the number of drinks, how quickly one becomes in the gray area. For example, this chart on Senator Pell's statement here—I think it is part of your statement too—shows that after one drink a person of weight between 100 and 240 pounds is not influenced dangerously.

But after two drinks, unless you weigh over 180 pounds you are in a gray area, and after three drinks—I guess this is 1 ounce of 100 proof liquor, 12 ounces of beer, 4 ounces of table wine—after three drinks, unless you weigh 160 pounds, you are intoxicated.

I think, Mr. Chairman, if staff could put this in the record at this point, this particular chart and any illuminations of it, but in other words, it takes a fairly small amount of liquor, apparently, to put you into the gray area.

[The chart follows:]

KNOW YOUR LIMITS

CHART FOR RESPONSIBLE PEOPLE WHO MAY SOMETIMES DRIVE AFTER DRINKING!

APPROXIMATE BLOOD ALCOHOL PERCENTAGE

Drinks	Body Weight in Pounds								
	100	120	140	160	180	200	220	240	Influenced
1	.04	.03	.03	.02	.02	.02	.02	.02	Rarely
2	[illegible]				.04	.04	.03	.03	
3	.11	[illegible]							
4	.15	.12	.11	[illegible]					
5	.19	.16	.13	.12	.11	[illegible]			Possibly
6	.23	.19	.16	.14	.13	.11	.10	[illegible]	
7	.26	.22	.19	.16	.15	.13	.12	.11	
8	.30	.25	.21	.19	.17	.15	.14	.13	Definitely
9	.34	.28	.24	.21	.19	.17	.15	.14	
10	.38	.31	.27	.23	.21	.19	.17	.16	

Subtract .01% for each 40 minutes of drinking.
One Drink is 1 oz. of 100 proof liquor or 12 oz. of beer.

THIS CHART IS ONLY A GUIDE—NOT A GUARANTEE.
SUREST POLICY IS...DON'T DRIVE AFTER DRINKING!

Senator PRESSLER. Do people realize that?

Mr. BARNES. I do not think they do. I think there is the general attitude, well, I only had a couple of drinks so I am OK. People do not recognize that they do pose a danger to themselves and to others if they get behind the wheel after they have had a couple of drinks.

Senator PRESSLER. Now apparently this chart goes by how much you weigh and how much alcohol will affect you, but you have to be over 180 pounds to be able to have two drinks. Of course, this is within 1 hour's time and earlier you subtract .014 percent for each hour of drinking and it is a complicated chart, but I wonder, Mr. Chairman, if staff could put this little chart in the record or something. I do not want to take up a lot of space.

Senator DANFORTH. Yes, we will make sure that either that chart or something comparable.

Senator PRESSLER. Because I think it is very significant. That is the only point I wanted to make. I just wanted to commend you and, second of all, to say that actually the number of drinks chart indicates that really a small—unless you weigh over 180 pounds, then you can have three drinks, apparently, without falling into the gray area.

No, you cannot. A person of any weight with three drinks falls into the gray area.

Mr. BARNES. One thing that happens, studies have indicated, is that people who have a couple of drinks actually think they can

drive better. A lot of them feel they are driving better than they normally do, and you hear this from people who say: "I drive better when I have a couple of drinks because I am more relaxed and looser."

They don't. Every test that has ever been done indicates that they don't. But people feel a little more confident about their abilities after they have had a little alcohol.

Mr. BARNES. It is an excellent provision and that, in and of itself, will be a big step forward if we were able to get that through.

Senator DANFORTH. Senator Cannon.

Senator CANNON. Thank you, Mr. Chairman.

Some of the data that has been made available indicates that there are two kinds of people who drink and drive—the social drinkers who are involved in a third of the fatalities where alcohol is a factor, and the problem drinkers involved in the other two-thirds of accidents where alcohol is a factor.

Now it has been conceded by some of the material that I have seen that strengthening the punishment for DWI—for example, mandatory 10-day jail sentences—will probably have little effect on the problem drinkers. Do you agree with that?

Mr. BARNES. I am not sure that it will have enough effect, but it certainly is a step in the right direction to assure people that if in fact they are caught there will be a penalty.

We also have in the legislation that Senator Pell and I have introduced a mandatory provision for rehabilitation, recognizing that there are people who are simply problem drinkers and that you have got to do more with them than deprive them of 10 days' liberty and take away their driver's license for 30 days.

Senator CANNON. Now the effect that this would have on social drinkers has been disputed as well. Some Scandinavian countries have harsh sanctions for DWI convictions and there is evidence that this has had little deterrent effect. The Department of Transportation's research indicates that license revocation is the most effective deterrent on the social drinkers.

What is your view on that?

Mr. BARNES. I think license revocation is a very key component of any serious program against drunk driving. This is obviously something that is going to be of major concern to the social drinker. It, again, is a component of the legislation.

We have, as you know, Senator, in the legislation, at the discretion of a judge, the mandatory community service concept. That was referred to by Senator Pell in his testimony. We also have the revocation of driver's license. So I agree with whatever study you are citing that the mandatory loss of the driving privilege is a crucial part of any effort that is going to seriously address this problem.

Senator CANNON. Thank you very much, Mr. Chairman.

Senator DANFORTH. Thank you very much, Congressman. We appreciate your being here.

The next witness is Diane Steed, Deputy Administrator, National Highway Traffic Safety Administration.

Let me say that we have heard 3 out of a list of 20 witnesses today. I think we have overdone it a bit on our—we have been a little overly optimistic as to how many people we could fit in, but,

Ms. Steed, we certainly want you to take as much time as you feel you need, though if you have any statement you would like to submit for the record and you would like to summarize it, we would very much appreciate that.

We are going to have to hold the other witnesses—I think the staff has told them this—to 5 minutes apiece for any summaries of statements that they would like to make. But, of course, with all witnesses their prepared statements will be included in the record and we will review them with great care and with great interest.

Please proceed.

STATEMENT OF DIANE STEED, DEPUTY ADMNISTRATOR, NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

Ms. STEED. Thank you very much, Mr. Chairman. I am very pleased to be here before the subcommittee today. With me I have Mr. Charles Livingston, our associate administrator for traffic safety programs.

Let me begin Mr. Chairman, by assuring you of the Reagan administration's support for doing something about this very serious problem of drunk driving facing us in the country. Both Secretary Lewis and Administrator Peck are very strongly committed to doing something toward a solution of this problem.

As you know, Mr. Chairman, the administrator would like very much to be here today. Unfortunately he had a scheduled commitment to meet with the heads of a number of insurance companies. I am quite sure that the issue of drunk driving is something he is going to be discussing with them this morning.

Rather than go through my statement, I would like to ask that it be entered for the record. Let me just summarize very quickly from our standpoint what we see as some of the problems and a number of the very innovative solutions that some of the States are beginning to come up with on this problem.

We in the National Highway Traffic Safety Administration have been working for a number of years with the States to understand the problems and determine what kind of solutions are available. Let me summarize briefly what the problems are.

First of all, police are very often reluctant to arrest drunk drivers. There are several reasons for this. Procedures are cumbersome and time-consuming. The arrested drunk driver has not been a high priority for a number of police establishments across the country. Courts, too, may be unable to handle the caseloads. For these reason, the incentive for the arresting officer to arrest the drunk driver is often quite low.

Courts, we find, are very reluctant to convict persons charged with drunk driving. Harsh mandatory sentences are frequently not imposed and defendants are allowed to plea-bargain the charge down to a lesser offense. This unfortunately allows repeat offenders to go undetected. Court backlogs often discourage lengthy trials. Again, this encourages plea-bargaining and results in fewer convictions.

The laws, as enforced, thus lack effectiveness in deterring drunk driving.

Our judges who deal with drunk driving cases are generally less experienced than those who deal with other types of criminal offenses. They are not always afforded an accurate picture of the driving record of the particular defendant before them, and they may be unaware of the nature of that defendant's drinking problem. Without such tools, both sentencing and treatment are often less than effective.

Adequate rehabilitation and treatment programs are expensive and often beyond a state's financial capability and, finally, until very recently, the public has rather passively tolerated the drunk driver on their roads.

We are very pleased to note the gains that groups such as MADD [Mothers Against Drunk Drivers], RID [Remove Intoxicated Drivers], PARK-IT, Citizens Against Drunk Driving and others have made in reversing the public's attitude toward drunk driving. With such support we are confident that together the Federal Government, the States, communities and other groups interested in this problem can significantly reduce drunk driving on our roads.

Let me skip now to just a few of the things that the states are beginning to do, largely as a result of public pressure by some of the public interest groups. For example, New York State has improved its drunk driver law and now allows drunk driving fines and fees to remain in the local jurisdictions to establish comprehensive, locally-managed alcohol-safety programs.

This means that the drunk driver—the one responsible for the problem—is paying for the solution. It is my understanding that in some parts of New York up to $1 million can be turned back to a local county to deal with its drunk driving problem.

Maryland has enacted a preliminary breath-testing law, which allows police to test the blood-alcohol level of those arrested in order to establish probable cause to arrest. They have also done an impressive job of using the news media to make the public more aware of the new drunk driving laws.

Minnesota has instituted an administrative procedure to speed the processing of drunk drivers based on the results of the standard blood test given those arrested. Any driver found to register above 0.10 percent has his license automatically suspended for 90 days regardless of his case's subsequent disposition in the courts. A driver refusing to take the BAC test has his license administratively suspended for 180 days.

Senator DANFORTH. That is Minnesota?

Ms. STEED. Yes, Minnesota. The Minnesota system raises the probability of swift and certain actions.

California has enacted an illegal per se BAC law that makes a high BAC level sufficient proof of intoxication. By reducing the elements of the crime to one item—blood alcohol concentration—this law reduces not-guilty pleas, requests for trials and thus the pressure to plea-bargain or to dismiss drunk driving cases.

California is also presently holding legislative hearings on a proposed 5 cent per bottle liquor tax as a means of financing comprehensive alcohol-safety programs.

New Jersey is using its dram shop and liquor control laws to deter drunk driving. Under these laws, the bartender is held responsible for serving an intoxicated person, and bartenders are

being trained to identify when a person has had too much to drink. Bartenders who violate these laws can have their establishments closed down.

The courts of Pennsylvania currently conduct a presentence screening of convicted drunk drivers through the use of a statewide computer screening system known as Court Reporting Network. The central data bank consolidates the extent of a person's alcohol problem, identifies whether he is a social drinker or a problem drinker, and allows the judge, therefore, to have sufficient information to know what kind of sentence would be effective in deterring this particular drunk driver.

Virginia has developed a statewide driver record system to which courts report drunk driver convictions and from which the courts can readily obtain conviction reports. In particular, cases which are plea-bargained are reported as being alcohol-related, thereby deterring repeat offenders.

A few minutes before we walked up, we received a copy of your bill as printed in yesterday's "Congressional Record." We have not had a chance to study it in detail. However, we are very pleased to see that it provides for an incentive approach to the problem.

We are concerned that any cut-off of the States highway safety funds—and I emphasize the safety aspect of that—would be a shortsighted view that would hinder rather than help resolve the many problems in this area.

Senator DANFORTH. We are not doing that.

Ms. STEED. Right. I think that is a very good approach.

On the national driver register, a quick reading looks like you have taken into account many of the concerns we discussed with your staff and we will be looking at it in further detail.

Senator DANFORTH. Thank you very much. We will look forward to receiving specific comments from the administration on the legislation that is before us. I would hope that we could mark up a bill, but we will speak with Senator Packwood about that.

I think that your testimony was a pretty strong endorsement of the concept of treating drunken driving as an administrative problem rather than as a criminal problem. That is, the deterrent to police officers enforcing drunken driving, if the courts are overloaded, if the prosecutors will not prosecute, is, I think, can be overcome by making it an administrative problem. That is, as I understand it, what Minnesota has done and that is the approach that is taken by S. 2158.

Am I correct in so interpreting your testimony?

Ms. STEED. We see that as one very effective way of dealing with the problem. The States that are looking toward those kinds of remedies seem to find it a very useful approach.

I would emphasize again that while we think it is a national problem, as many of the witnesses have said this morning, the solution needs to be found at the State and local level. We also need a comprehensive look at the problem. The administrative solution is a good one because it addresses the burden placed on the courts. The States also need to look at the problems the police officers face and how to increase their arrest rates. Still, unless something can be done about the courts, the drunk-driving problem will not be solved, as we know from experience.

Senator DANFORTH. Unless it is not viewed as a matter leading toward arrest.

Ms. STEED. That's right. We also think there are other elements, however. Even if you arrest the person, take him to court and provide harsh sentences, that may not be enough. We need a treatment and rehabilitation component, also. It has to be a comprehensive approach by the State. There is not just one simple solution to the problem.

Senator DANFORTH. Senator Pell.

Senator PELL. Thank you, Mr. Chairman. I would like to observe that the Governor of Rhode Island has just proposed a law very similar to my bill that we were talking about earlier where you have community service for the first offense, mandatory jail sentence second, together with license suspension for both.

I did have one question, though. If, for the sake of argument, legislation is enacted creating an incentive grant program, do you think the administration would be able to support an increase in funding for the Federal Highway Safety program, section 402?

Ms. STEED. We would have to take a look at the budget consequences. As I heard people describe it this morning, it would be a modest incentive. If it were modest, I think we could support that.

Senator PELL. And one other question. How many States now have automatic administrative requirements for license suspension in relation to drunk driving?

Ms. STEED. There are about 19 that have the authority to do it. Not all of them use it.

Senator PELL. It is not automatic?

Mr. LIVINGSTON. Not in that context, but they have the authority.

Senator DANFORTH. Thank you very much.

Ms. STEED. Thank you.

[The statement follows:]

STATEMENT OF DIANE K. STEED, DEPUTY ADMINISTRATOR, NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

Mr. Chairman and members of the subcommittee, I am pleased to appear before your Subcommittee today to address the problem of the drunk driver in this country and to discuss S. 671, a proposal to require the establishment of a comprehensive alcohol-traffic safety program in each State aimed at discouraging drunk driving. Accompanying me today is Mr. Charles Livingston, our Associate Administrator for Traffic Safety Programs.

Under the Highway Safety Act of 1966, the National Highway Traffic Safety Administration (NHTSA), helps States improve their highway safety programs and reduce traffic accidents, deaths and injuries. We carry out that responsibility through a State highway safety grant program under Section 402 of the Act as well as a research program under Section 403 of the Act. NHTSA is the principal Federal agency working with the States on the drunk driving problem in this Nation.

EXTENT OF THE DRUNK DRIVING PROBLEM

Drunk drivers are the cause of one of the Nation's most serious health problems. Many have classified it as an epidemic. The fatality statistics are shocking. Over the past 10 years the number of persons killed on our highways in motor vehicle accidents involving alcohol has averaged 25,000 per year. In 1980, over 650,000 people were injuried in accidents involving alcohol.

A recent Department of Health and Human Services study of alcohol and health problems estimated that the economic cost of alcohol-related motor vehicle accidents in 1975 exceeded $5 billion. These deaths and injuries are a direct result of the large numbers of people who are driving drunk on the Nation's roads, particularly at

night. According to a study conducted for the Stockton, California Police Department, one out of every 10 drivers in Stockton on Friday and Saturday nights is legally drunk, i.e., their blood-alcohol concentration (BAC) level exceeds 0.10 percent.

Why are so many drunk drivers on the roads? One reason is that drunk drivers do not believe that they will be caught. Statistics show that their belief is well-founded. We estimate that the chances of a drunk driver being stopped are between one in five hundred and one in two thousand. On a nationwide average, police officers arrest fewer than five drunk drivers per officer per year. In addition, drivers assume that if they are caught, they will not be convicted of an alcohol-related offense. Further, they believe that if they are convicted, the sentence will be light. For example, one State found that only out of every 10 drivers arrested for and convicted of a second offense was actually jailed.

How is this possible? How can drunk driving be treated so lightly in view of the fatality and injury statistics? I think it can be fairly stated that the public has only recently come to consider alcoholism a serious health condition. They still do not uniformly consider driving under the influence of alcohol a serious crime. In general, a drunk driver is not considered responsible for his actions, even if they result in death or serious injury. Therefore, he is not held accountable and the general wisdom has held that the driver should not be severely punished.

Statistics on penalties meted out to drunk drivers involved in accidents resulting in the death of another attest to the strength of this attitude. For example, in a study of drivers convicted of alcohol-related vehicular homicide, although one driver in four could have been charged with either manslaughter or negligent homicide only about one out of every 12 was actually charged.

Today, however, we are extremely encouraged to see that a shift is occurring in the general public's attitude toward the drunk driver. With the emergence of drunk driving as a highly visible issue, the time is right for the Subcommittee to hold a hearing to help focus national attention on the problem and possibly catalyze more grass-roots action. Recognition of the problem alone will not solve it. Once greater public concern is manifest, however, the State legislatures, public officials and agencies will have a mandate and, thus, a greater resolve to establish and maintain more effective programs to deter drunk driving.

THE PROBLEMS

For a number of years, we have worked with the States to determine and understand the magnitude of the drunk driver problem, find innovative and workable solutions, and test them. From the Alcohol Safety Action Projects (ASAPs) undertaken in the early seventies, we have identified a number of problems which need correction. Let me summarize them briefly:

First, police are often reluctant to arrest drunk drivers. There are several reasons: procedures are cumbersome and time-consuming; arrest of drunk drivers has not been a high priority; or courts may be unable to handle the case load. For these reasons, the incentive for arrests is low.

Courts are often reluctant to convict on the drunk driving charge. We see that harsh mandatory sentences are frequently not imposed and defendants are allowed to plea bargain the charge to a lesser offense. This allows repeat offenders to go undetected. Court backlogs often discourage lengthy trials. This encourages plea bargaining and result in fewer convictions. The laws as "enforced" thus lack effectiveness in deterring drunk driving.

Judges who deal with drunk driving cases are generally less experienced than those who deal with other types of criminal offenses, do not always have an accurate picture of the driving record of the particular defendant, and may be unaware of the nature of the defendant's drinking problem. Without such tools, both sentencing and treatment are less than effective.

Adequate rehabilitation and treatment programs are expensive and often beyond a State's financial means.

Finally, the public has passively tolerated the drunk driving problem. For this reason, until recently, public pressure to do something about these problems has been virtually non-existent. We are very pleased to note the gains that groups such as MADD (Mothers Against Drunk Driving), RID (Remove Intoxicated Drivers), PARK-IT, Citizens Against Drunk Driving and others have made in reversing the public's attitude toward drunk driving. With such support, we in NHTSA are confident that together, the Federal Government, the States and communities and other groups interested in the issue, this country can significantly reduce the drunk driving problem.

THE SOLUTION: A COORDINATED PROGRAM

The goal of any State program to combat drunk driving should be to increase the perceived risk of arrest, conviction and punishment. Accordingly, arrest and adjudication must be swift and sure.

The bottlenecks in the enforcement and adjudication systems must be eliminated. State ingenuity is already at work to assist the police, judges, the prosecutors, probation officers, correction officials and health officers in remedying the problem. State programs are beginning to show dramatic gains in increasing arrests, shortening booking and trial time, assuring appropriate punishment for those convicted, keeping records of the conviction that are easily accessible to courts in case of future arrests on the same charge, conducting public information and education campaigns. Let me highlight a few recent State actions:

New York has improved its drunk driver laws and now allows drunk driving fines and fees to remain in the local jurisdictions to establish comprehensive, locally managed alcohol-safety programs. This means the drunk driver, the one responsible for the problem, pays for the solution.

Maryland has enacted a preliminary breath-testing law, which allows police to test the blood-alcohol level of those arrested in order to establish probable cause to arrest. They have also done an impressive job of using the news media to make the public more aware of the new law.

Minnesota has instituted an administrative procedure to speed the processing of drunk drivers based on the results of the standard blood test given those arrested. Any driver found to register a blood-alcohol concentration (BAC) level above 0.10 percent has his license automatically suspended for 90 days regardless of his case's subsequent disposition in the courts. A driver refusing to take the BAC test has his license administratively suspended for 180 days. The Minnesota system raises the probability of swift and certain sanctions.

California has enacted an illegal *per se* BAC law that makes a high BAC level sufficient proof of intoxication. By reducing the elements of the crime to one item—blood alcohol concentration—this law reduces not-guilty pleas, requests for trials and thus the pressure to plea bargain or to dismiss drunk driving cases.

California is also presently holding legislative hearings on a proposed 5 cent per bottle liquor tax as a means of financing comprehensive alcohol-safety programs.

New Jersey is using its Dram Shop laws to deter drunk driving. Under these laws, the bartender is held responsible for serving an intoxicated person. Violators can have their establishments closed down.

Courts in Pennsylvania currently conduct a presentence screening through the use of a Statewide computer system known as the Court Reporting Network (CRN). The central data bank consolidates the extent of his alcohol problem. The CRN system standardizes presentence investigations and makes them less costly and time-consuming. With such a system, prosecutors and judges are more likely to order presentence investigations.

Virginia has developed a Statewide driver record system to which courts report drunk driver convictions and from which the courts can readily obtain conviction reports. In particular, cases which are plea bargained are recorded as being alcohol-related.

We are actively working with the States to identify which of the solutions already tried or now being tested offer the best solutions to the problem. We believe, based on State experience, that a successful program to deter the drunk driver should include the following elements. It should: 1) aim to deter the majority of drunk drivers who are never arrested; 2) generate citizen support to provide a political base for increased enforcement; 3) place responsibility for management in the hands of local officials; 4) coordinate all levels of enforcement adjudication and sanctioning so that the case processing system works quickly; 5) aim at financial self-sufficiency by using fines, court costs and treatment fees to defray the costs of the program; 6) use education programs co change general public attitudes on drinking and driving.

In response to the request of more than 300 Members of Congress, we have recommended to the President that a Presidential Commission on Drunk Driving be established to work with the States to develop comprehensive, coordinated, community-based alcohol-safety programs. We anticipate a decision shortly. We in NHTSA will continue to provide technical assistance to the States on all aspects of a comprehensive system, e.g., law enforcement, courts, driver licensing agencies, citizen groups, and educators.

S. 671

Let me make a few brief comments on S. 671, the bill introduced by Senator Pell that seeks to propose a solution to the drunk driving problem.

Although we are in complete agreement with the intent of the bill and believe that many of its elements are essential to the success of a State drunk driving program, we cannot endorse the creation of rigid, mandatory Federal requirements. First, we cannot endorse legislation which would require us to withhold funds to be spent for highway safety from States that did not meet the requirements of this bill. We believe that such action would be short-sighted and ultimately defeat our overall goal of ensuring safety on our streets and highways. Second, we are in the midst of a rulemaking on the State and Community grant program to determine the most effective highway safety programs and their eligibility for Federal funding. We are pleased to note that alcohol programs rank high on the list of those who have participated in the rulemaking. Over the last ten years, the States have increased their expenditures of Section 402 grant funds for alcohol-related highway safety programs. For fiscal year (FY) 1982, the States have significantly increased their previous year's allocation to alcohol programs. This represents an absolute increase of $10,000,000 over fiscal year 1981 despite a 50 percent cut in the total Section 402 budget. However, we have yet to determine which are the best elements of each State's drunk driving program and we believe it is too early to determine what, if any, mandatory sanctions would be appropriate for Federal legislation.

Generally, we believe that a uniform national law is not the best way to solve the drunk driving problem. Specific sanctions and court procedures that are appropriate in one State may be inappropriate in another. For example, although our research indicates that the suspension or revocation of a driver's license can be an effective deterrent to repeat drunk driving offenders, we cannot agree with the bill that a driver's license should in every instance be suspended for at least a year. We do not know what length of time is optimal for suspension or revocation of a driver's license. For this reason, we do not believe a set period of time should be codified and made mandatory in all States. Finally, we are not convinced a mandatory jail sentence is the best way to accomplish our mutual goal of removing drunk drivers from the roads. Different States may find that different sanctions work better in their particular jurisdiction.

THE FEDERAL ROLE

Under the system of Federalism in this country, the States have the responsibility for policing roads to protect the health and safety of their citizens. However, we believe that the Federal Government can help to advise and assist the States in their efforts and to act as a central clearinghouse for the results of innovative State programs to combat drunk driving. States are anxious to learn from the experience of other States and avoid repeating the mistakes already made by other States. They have also requested our assistance to evaluate the success or failure of their own projects and programs. Along those lines, we have made available informational and educational materials to assist States in their anti-drunk driving efforts. For example, we have developed a drunk driver detection guide that has been used successfully by police in Maryland. We plan to intensify our efforts to ensure that the best information and remedies are made available to all those interested in solving this serious problem.

NATIONAL DRIVER REGISTER (NDR)

With respect to the National Driver Register (NDR), we are continuing to fund NDR at the current level of $1,000,000 annually. We are examining methods to improve this system and whether those improvements can be accomplished feasibly.

SUMMARY

The drunk driving problem is not insurmountable. The States do not so much need new laws as they need the resolve to enforce existing laws and to streamline their criminal justice system procedures. We stand ready to work with the States to provide practical information on the establishment of coordinated and comprehensive drunk driving programs. We also stand ready to work with the Congress on any legislation that can advance the fight against drunk driving.

The necessary resolve to change current drunk driving laws and enforcement practices, however, can be summoned if local citizens show active and vocal interest. We have already seen what can be done when State and community action is catalyzed by that kind of citizen action. Congressional hearings such as this provide a

national forum to elicit comments from these people and inspire action by others. The grass-roots efforts of citizen groups in some States have been extremely successful and task forces have been set up. Now is the time for more citizens to convey to their State legislators, police, prosecutors and judges that drunk driving is a serious offense. The system can work if those involved in making it work receive this clear signal from their citizens.

This concludes my statement. I would be pleased to try to answer any questions you might have.

Senator DANFORTH. The next witnesses are Candy Lightner, Marge Charleville, Robert Marshall, and Diane Tabler.

Thank you very much for being with us. We have a timer which is going to be utilized from now on. Otherwise we just cannot get through all the witnesses and I think that everybody deserves a chance to testify who has made the effort to be here. The problem we have is that the Senate is considering the matter of Senator Williams at 1.30 this afternoon and we will be prohibited, absolutely prohibited, from holding hearings after, I think, 1, or is it 1.30–12.30.

So, we have a very short period of time to go through a long list of witnesses, which is the reason why, I am sorry to say, we will have to abide by the timer, but I do want to assure you that written testimony that you have prepared and brought with you is, of course, a part of the record and that we will give it very, very serious consideration.

So, if you could sum up your testimony and make any other comments that you want to make in a 5-minute period of time it would be very much appreciated.

Ms. Lightner.

STATEMENTS OF CANDY LIGHTNER, PRESIDENT AND FOUNDER, MOTHERS AGAINST DRUNK DRIVING [MADD]; MARGE CHARLEVILLE, PRESIDENT, MISSOURI REMOVE INTOXICATED DRIVERS [RID]; ROBERT MARSHALL, DEAN, SCHOOL OF PUBLIC SERVICES, CENTRAL MISSOURI STATE UNIVERSITY AND CHAIRMAN, ALLIANCE FOR TRAFFIC SAFETY; AND DIANE TABLER, DIRECTOR, OFFICE OF PUBLIC SAFETY, NATIONAL COUNCIL ON ALCOHOLISM

Ms. LIGHTNER. Thank you very much for inviting me to speak today. Recently I received a mailer from Handgun Control, Inc. The statistic they used read: "One in every 5 Americans will be victimized by handgun violence during their lifetime." Sounds grim, doesn't it?

And, as a result, State legislators are clamoring: "Use a gun, go to jail." Federal legislators are working toward strengthening the 1968 Gun Control Act. The Attorney General's task force on violent crime has even urged this law be strengthened.

Well, ladies and gentlemen, I would like to give you another statistic, a statistic growing out of a situation with which all of you have lived, not realizing how close you may have come to being included. One out of every two Americans will be involved in an alcohol-related crash in their lifetime.

I am here today not only as president and founder of MADD, but as someone who knows the devastation, grief, and heartbreak caused by drunk driving. I represent thousands of victims from across the United States, people who are not only victimized by the

impaired driver but also victimized by a court system that looks upon these cases as nothing more than a socially acceptable nuisance. Yet it is killing 26,000 a year.

My daughter, Cari, who was just 13 years old when she was killed by a hit-and-run repeat-offender drunk driver on May 3, 1980, was one of those statistics. When the drunk driver who killed my daughter was convicted in 1976 he was placed on 1 month's probation and fined $265. That was all. Under the Pell-Barnes bill he would have been given at least 10 days community service, mandatory suspension of his license for up to 1 year, and participation in alcohol treatment or traffic safety programs.

When he was again convicted of drunk driving in 1977, he was put on 2 years probation, fined $350 and sentenced to jail for 2 days. That means, in 1 day and out the next. His license was suspended for 1 year. Under the Pell-Barnes bill his jail sentence would have been at least 10 days, plus fines and alcohol treatment, and the same license suspension.

Would the Pell-Barnes bill, were it law in 1976, have kept that drunk driver from having three more arrests, including two more accidents and one death? Who can say? But we know the leniency of the court in his case certainly didn't act as a punishment or a deterrent.

This is not atypical. It happens every day all over the country. Individuals convicted of drunk driving offenses are treated to lenient sentences that do not impress upon them the seriousness of their acts.

The majority of the victims who contact us have their loved ones innocently slaughtered by repeat offender drunk drivers. In researching court dockets we find many of these defendants received nothing more than a wrist slap in the past.

Yet, ladies and gentlemen, we are talking about a crime that kills more than homicides, a crime that injures more people and more seriously than those who commit assaults with deadly weapons, a crime that does more property damage than the forgers, burglars, and robbers all added together.

Until last year, despite the increasing number of lives lost, the number of injured, and the staggering cost of property damage as a result of drunk drivers, the majority of our States were hesitant to enact tougher drunk driving legislation.

California did, and they have seen a reduction in deaths, accidents and arrests by more than 20 percent. Maine did, and they have seen a reduction in deaths by over 30 percent. New Hampshire, New York, Maryland, Wisconsin, Illinois, and Nevada have all enacted tougher laws. Yet none of these has a mandatory jail of at least 10 days on a second offense, and, as far as we can determine, none has a mandatory license suspension of 1 year on a second offense—except California.

It is not enough that only a handful of States have taken steps aimed at solving the problems. It is time for action at the Federal level by means of legislation such as the Pell-Barnes bill to encourage every State to recognize and accept its responsibility for discouraging drunk driving.

This is a national tragedy and it deserves national attention.

I have two more comments that I would like to make, sir. I would like to propose an amendment to this bill so that those States who have enacted tougher penalties, though they may not conform totally to your bill, not be penalized by having their Federal highway funds withheld, such as California, and Maine and the other States I mentioned. We are tough in some respects and maybe not as tough in others, and I really would like to encourage you to say something, and I am not real familiar with Federal legislation—the way you can say those States that have conformed, say, with possibly 75 percent of the bill, or 50 percent of the bill, or something, do not have their Federal highway funds restricted. That is one comment.

The other comment I would like to ask. This is the first time I have testified before a subcommittee. Could you please tell me how many Senators are on this subcommittee?

Senator DANFORTH. Nine.

Ms. LIGHTNER. How many Senators are here today, sir?

Senator DANFORTH. Well, we have had about four, I guess.

Ms. LIGHTNER. You have a room crowded with public support. Every seat is filled. There are at least eight television cameras and, off and on, four members, and right now I see one or two. There is obviously a hue and cry from the public. I want to know why there isn't a hue and cry from the Government.

Thank you.

Senator DANFORTH. Ms. Charleville.

Ms. CHARLEVILLE. Thank you, Mr. Chairman and other members of the Senate subcommittee. I want to thank you for the invitation to testify on one of our Nation's most serious public health and safety problems—the drunken driver.

I am Marge Charleville and I am president of RID-Missouri, and we want to come here today—five of us—to commend Senator Danforth and other members of the legislative staff for taking the necessary steps to stop this carnage on our highways.

I might even just mention quickly that in Missouri the Senate has just passed a strong DWI legislative enforcement package that follows very much what we have just received from Senator Danforth today. Unfortunately, we have a legislator in Missouri in Fulton, Joe Foult of the Judiciary Committee, who is currently trying to block effective legislation. He says I will not back a bill that takes away the judge's discretion or establishes mandatory penalties.

Now I am going to speak to you as a victim, where we feel this is where we are going to try to overcome his objections. Drunk drivers are deadly. They happen in a second but their effects go on forever and everyone says it is not going to happen to me, but no one is safe.

A drunk driver tragically affected my life when I lost my daughter on May 10, 1980, Mother's Day weekend. She was returning home from Lindenwood College and was struck and killed by a drunk driver whose alcohol level was 0.28 percent, three times the legal limit of intoxication in Missouri.

She was taken from us because of a senseless and violent crime. He killed not only my daughter but one other passenger in his truck and permanently injured two others. The drunk driver that

murdered my daughter remained on the road for over 17 months with his driver's license, permitted to murder again.

He was arrested for a motor vehicle violation following the violation that was nolle pros by the State. He was charged with two manslaughter counts and two second-degree assault charges. The maximum penalty for manslaughter is 10 years in prison; for assault charges up to 5 years in prison.

During the 17-month period between my daughter's death and Claus' sentencing I became aware of the inadequacies of Missouri's legal system in processing DWI cases. We had four continuances, three prosecutors, lack of recordkeeping information. Through our own investigation we found that Claus had four DWI arrests pending in St. Charles County, Mo., dating back to September 1979 and had a prior conviction 5 years earlier in St. Charles where he had served time in jail and also had—and I do not indicate this—charges pending back in California.

I was told also the judge has to be careful not to violate the criminal's rights. So there was a very definite lack of the victim's rights.

On October 7, 1981, Circuit Court Judge James Ruddy sentenced Claus to 2 years in jail. He said that Claus—Judge Ruddy told Claus he was imposing a stricter sentence upon him because a presentence report had indicated the defendant showed no remorse for his accident. He told a probation officer he could have beaten this case if he had pled not guilty before a jury and he had listed a convicted felon as one of his three character references. He walked away from the courtroom smiling and joking with another prisoner in handcuffs.

I learned from all of this that drunk drivers, despite their threat to society, are free to roam our highways without fear of effective punishment even if they murder.

What happened to my daughter could happen to any of you and your family at any time. We must educate our officials and our legislators who are playing their games and their roles, sympathizing with this terrible offender who goes on killing and maiming every day at tremendous cost.

Just as we are going to do with Representative Holt, we are determined to go after any opposition that we can who stands in our way to save lives and reduce injuries on our highways. We need cooperation from the Federal level, State level, and members of our communities and we, as members of RID-Missouri, are going to go forth in trying to effectively change behavior and create new habits.

Let us stop talking about the problem now. Let us start doing something about it. Let's get involved. Don't let these tragedies continue any longer. We need the cooperative effort of the community, the State, and all branches of government working together. We need a strong commitment. We need it from all of the members of the Senate.

Thank you.

Senator DANFORTH. Dr. Marshall.

Mr. MARSHALL. Mr. Chairman, I am pleased to appear before this subcommittee today to discuss comprehensive alcohol-traffic safety programs. My name is Robert L. Marshall and I am speaking as

chairman of the Alliance for Traffic Safety and as dean of the School of Public Services, Central Missouri State University. We commend the committee for its leadership on this topic as well as the Senators and Representatives who have testified today.

The Alliance for Traffic Safety is a coalition of organizations—about 40—to promote the private sector's effective involvement in the development, enactment, and implementation of highway safety programs at the community, State, and Federal levels.

In recent years, the role of the alliance has evolved into one of encouraging effective implementation and evaluation of the highway traffic safety program. As evidenced by alliance testimony at the recent NHTSA docket hearing in Chicago on February 16, alliance members believe that the comprehensive and balanced approach to the highway safety program, to date, is the best technology available.

In 1966, the death rate per 100 million miles of motor vehicle travel in this country was 5.7. The Highway Safety Act was enacted in 1966 and the resulting comprehensive and balanced approach to highway safety has reduced the death rate to 3.48 at the end of 1980. It is still at a cost of about $40 billion, but this is still a reduction of 39 percent over a 14-year period in traffic crashes.

The alliance believes that a similar comprehensive and balanced approach should be taken with respect to the alcohol-traffic safety program. It should include all of the elements that have proven to be effective—and many of them have been discussed today—in reducing the incidence of drunk drivers on our streets and highways.

The program should include. the total legal system at the State and local levels—police, judges, prosecutors, probation officers, corrections officials, and health officials; adequate support systems, such as an integrated system for data dissemination to the separate states, and we commend you for your interest in the national driver register; educational programs in public and private schools, higher education, public information programs; research and demonstration projects, and technology transfer to the operational levels in each of the present 18 standard areas of NHTSA.

The alcohol component of the comprehensive and balanced approach must include the social drinker, the inexperienced drinker, and the chronic, problem drinker. The nature of the alcohol traffic program is extremely complex. Scare techniques have been proven to be ineffective in traffic safety.

In contrast to the approach of some alcohol-related traffic accidents embodied in S. 671, the alliance recommends that a comprehensive and balanced alcohol program be developed as recommended by the National Highway Traffic Safety Administration in accordance with the Airlie House and Dulles Conference reports that were held in 1978 and 1979.

This is a very complex problem. There is no cheap, quick solution. Thank you.

[The statement follows:]

STATEMENT OF ROBERT L. MARSHALL, CHAIRMAN, ALLIANCE FOR TRAFFIC SAFETY, AND DEAN, SCHOOL OF PUBLIC SERVICES, CENTRAL MISSOURI STATE UNIVERSITY, WARRENSBURG, MO.

Mr. Chairman and members of the subcommittee, I am pleased to appear before this Subcommittee today to discuss Senate Bill 671 relating to the establishment by each State of comprehensive alcohol-traffic safety programs as a part of their highway safety programs. I am speaking as chairman of the Alliance for Traffic Safety and as Dean, School of Public Services, Central Missouri State University, Warrensburg, Missouri.

The Alliance for Traffic Safety is a coalition of organizations to promote the private sector's effective involvement in the development, enactment and implementation of highway safety programs at the community, state, and federal levels.

The Alliance serves in the following capacities:

(1) as a forum for the exchange of information and expertise among representatives of participating national and state safety organizations;

(2) as an educational mechanism for the collection and dissemination of information and expertise among the private and public sectors related to highway traffic safety;

(3) as a source of contact for state and federal safety officials for reaching participating organization safety personnel at the national and state level; and

(4) as a coordinator of the activities of the participants, wherever possible, in pursuit of agreed-upon safety objectives.

With the advent of the Department of Transportation and the National Highway Traffic Safety Administration in the 1960's, many private sector interests were channeled into the STATES Program (Safety Through Action To Enlist Support), aimed at awareness and adoption of federal standards. The STATES Program was the forerunner of the Alliance for Traffic Safety.

In recent years, the role of the Alliance has evolved into one of encouraging effective implementation and evaluation of all facets of the Highway Traffic Safety Program. As evidenced by Alliance testimony at the recent NHTSA Docket Hearing in Chicago, February 16, 1982, Alliance members believe that the comprehensive approach to the highway safety problem, to date, is the best technology available.

In 1966, the death rate per 100,000,000 miles of motor vehicle travel in this country was 5.7. Utilizing the comprehensive approach to traffic safety and an expanded and better prepared group of highway safety specialists, the death rate has been reduced to approximately 3.48 in 1980—a reduction of approximately 39 percent over a 14-year period (1966–80). This is an amazing success story with respect to the reduction of the death rate in this nation. There is strong evidence which shows that this reduction was brought about, not by one or more single factors, but by the comprehensive approach.

The Alliance believes that the alcohol problem should be treated with a similar comprehensive, balanced approach.

Alliance for Traffic Safety member organizations are concerned about problems relating to the involvement of alcohol in the nation's traffic accident statistics.

Their concerns have ranged the complete spectrum, and they have for many years been actively involved in attempting problem solutions.

Since problem solutions are typically developed as a result of fact finding, some member organizations have placed their efforts and their financial support in research, reporting data to other involved publics and subsequently broadening the communication through several technological transfer techniques. As one result of scientific investigation, the professional literature contains data on beverage alcohol, its use, misuse, and the inherent involvement of excessive drinking with a wide variety of alcohol abuse problems including drunk driving.

There has been an increase in education/training efforts which address specific problems as a result of the research of Alliance members. One member's efforts have included the activities listed below in an effort to work with education, law enforcement, the court system, legislation, and the general public.

Alcohol Curriculum Module for D.E. 1976–78 (571);
Police DWI Workshops 1976–77 (724);
DWI Police Symposium 1977–78 (52);
Rural Alcohol Detection Course 1977–78 (670);
Drug Abuse Seminar 1971–72 (55);
Breathalizer Acquisition 1970—for equipment use in all alcohol activities;
Alcohol Education Materials 1971–72—for ADTSEA;
General Motors Film Project 1973—The Drinking Driver;
Identifying the Alcohol Impaired Driver 1973—film for Police Training;

Alcohol Education Curriculum Module 1971-7[illegible] (S.D.E.);
Missouri State Dept. Curriculum Guides 1975-79;
Student Program on Drinking and Driving—American Legion film project;
ASAP—Youth Ed. Module 1971-75 (10,874);
Other membership activity can also be cited.

With this as background, a few problems are beginning to surface as the Congress begins deliberation of new legislation. These problems are the result of a sincere but simplistic approach which emphasizes countermeasures and punishment for drunk driving rather than a balanced highway safety program.

History has shown that, while national problems need to be identified and solutions suggested and/or supported on a national level, the real thrust for positive action lies with the more localized entities. We do not believe that a national directive, law, regulation, rule making within separate administrations will suffice. More importantly, adding one more rule to any agency's present stock pile will not save lives which is the ultimate objective.

Presently the NHTSA has 18 standard areas for government assistance to the separate states for the delivery of complete traffic safety programs to local communities. One facet of their task since 1966 has been to provide alcohol safety countermeasures. At this time, one of the NHTSA's efforts has been to bring about a change in their rule-making to permit a narrower approach directed at seat belt usage and alcohol countermeasures rather than all 18 standard areas.

Senate Bill 671 refers to only one of the top two NHTSA priority areas.

At this point, there are several questions which we respectfully suggest should be considered as this committee deliberates the merits of this bill:

1. Should the Congress pass a specific law to deal with every particular problem that arises?
2. What is the value of restrictive, specific legislation in view of NHTSA's priority programs dealing with highway safety?
3. How is the passage of this bill different from the federal law requiring motorcycle riders to wear helmets and which was subsequently rescinded after many states had passed legislation to conform to the national decree?
4. How does the Congress profess to place responsibility at the local and state level when it takes a paternalistic attitude toward national traffic safety problems, i.e. seat belts, helmets, vehicle inspection, alcohol and 55 mph speed limits?
5. How will Senate Bill 671 affect the various legislative actions which are being taken at the state level concerning alcohol and driving?
6. Since state governments have historically resented linking specific countermeasures with federal funds, how does Senate Bill 671 cover such matters as funding and/or penalties for non-compliance?

In contrast to the approach to the problem of alcohol related traffic accidents embodied in Senate Bill 671, the Alliance for Traffic Safety has consistently advocated a balanced, comprehensive approach.

The Motor Vehicle Manufacturers Association recently gave an unrestricted grant to the Highway Safety Research Institute of the University of Michigan. Six state-of-the-art papers were published in 1981. Three of these papers focused on topics of interest to this subcommittee: Alcohol and Highway Safety, Drugs and Highway Safety, and Alcohol, Drugs, and Traffic Law. Alcohol and Highway Safety identifies the alcohol crash risk, describes society's principal strategies and tactics for reducing this risk, discusses the relative success of these efforts, and presents recommendations for appropriate action against the problem of the drinking driver. Drugs and Highway Safety is a guide for action by policy makers at the state and local level. It provides a series of strategies directed at controlling the drug crash risk-strategies that can be implemented by state and local units of government in the near-term future. Alcohol, Drugs, and Traffic Law examines the chief legal tools directed against the impaired driver, describes major constraints on law enforcement, identifies the principal deficiencies of existing impaired-driving and implied consent laws, and presents proposals for amending deficient laws. These papers would be valuable references for individuals studying the alcohol-driving problem.

The Executive Director of the American Association of Motor Vehicle Administrators testified on October 29, 1981, at the Docket on Highway Safety Program Effectiveness, and I quote: "* * * The ranking of countermeasures for funding is not the panacea for developing an effective highway safety program. * * * an over-haul of the Highway Safety Act based on the Airlie House Report * * *." (is sorely needed—emphasis mine).

The Alliance for Traffic Safety wishes to highlight two important conferences conducted under the auspices of the Transportation Research Board of the National Academy of Sciences. The first meeting held at Airlie House in Warrenton, Virgin-

ia, in 1977, addressed the adequacy and appropriateness of highway safety standards establishes under Section 402, Title 23, U.S. Code (Highway Safety Act of 1966). The participants represented a cross-section of professional, organizational, jurisdictional, and geographical interests in highway safety. The primary goal of the Conference was to determine how the federal government, in cooperation with state and local governments, and with the private sector, could act most effectively and efficiently in reducing the incidence and severity of road related trauma. The consensus of the Airlie House conferees was that the existing 18 highway safety program standards be superseded by two types of criteria: (1) a set of requirements for which national uniformity is essential; (2) a set of procedures for approving state implementation and evaluation plans for federally funded programs.

The second conference referred to above was held at Dulles International Airport in 1979, and addressed the implementation of research, development and demonstration programs performed pursuant to Section 402. In addition to producing a prolific series of recommendations, the conference assembled an impressive group of experts from a variety of backgrounds and disciplines to address and formulate suggested courses of action to common problems.

The recommendations emanating from both conferences are as valid today as they were when originally promulgated. These documents stress the need for a comprehensive or balanced approach to alleviating the traffic safety problem, including alcohol related traffic problems.

As the President of the National Safety Council has said, "We've made all the easy gains and now the going is tougher. Public outcries alone will not eliminate the drunk driving problem. Nor will intensive but short-lived crackdown efforts. Our emotions need to be directed along research-based, productive lines. Putting all offenders in jail or automatic revocation of licenses will not get at the core of drunk driving problems. Estimates vary, but there may be from three to eleven million people in this country who are driving without a license. Clapping chronic problem drinkers in jail does not solve their underlying problem, which will only manifest itself again as soon as they are at liberty." (Overview: Drunk Driving Problem and Prevention Methods, January 4, 1982.)

A number of State Task Forces on Driving Under the Influence of Alcohol have been recently appointed. The President of the Motorcycle Safety Foundation, an Alliance member and member of the Pennsylvania Task Force, is quoted in a Motorcycle Safety Foundation press release dated December 30, 1981: "Alcohol use has been shown to be a significant factor in many motorcycle accidents. The work of the (Pennsylvania) Task Force could provide direction for future Motorcycle Safety Foundation programs as well as positively affecting Pennsylvania's accident situation."

Another member organization has clearly called for alcohol countermeasure activity in education. Within its National Conference on Safety Education Publication, Volume II (pp 10–11) the "effects of alcohol, drugs, and other substances on driving performance" shall be included as a portion of the curriculum for driver education.

As indicated earlier the Alliance for Traffic Safety believes the highway traffic safety effort should be a comprehensive balanced program and so should alcohol-traffic safety programs. There are a number of elements to a comprehensive balanced alcohol-traffic safety program:

Total Legal System—police, judges, prosecutors, probation officers, corrections officials, and health officers.

Adequate Support System—used as an integrated system for data dissemination to the separate states.

Educational Programs—public and private schools, higher education, public information programs.

Research and Demonstration Projects—and technology transfer to the operational levels in each of the present standard areas.

The nature of the alcohol traffic problem is extremely complex. It has at least three major population groups:

(a) the social drinker;
(b) the inexperienced drinker;
(c) the chronic drinker.

The scare approach to the traffic problem, including alcohol-traffic problems, does not work. Several NHTSA research studies have shown promise with techniques which can be utilized to bring about increased, "perception of the potential drinking-driver to the risk of his being arrested and severely sanctioned for DWI," and with methods of modifying society's general acceptance of drinking and driving.

The Alliance for Traffic Safety agrees with the NHTSA statement presented November 6, 1981, which says, "The drunk driver is a national problem, yet it can only

be solved at the state and local level. State and local law govern in this area and state and local courts are the only forum for this case. . . . the crux of the drunk driver problem in most states is not lack of adequate laws on the drunk driver, but the lack of consistent, convincing enforcement of those laws by state and local officials." (Emphasis mine)

In one sense the foregoing statement helps us to begin summarizing our present position regarding S671. Other points worthy of reiteration include the following:

1. The 39 percent reduction in traffic deaths from 1966–1980 is a significant indication of the value in implementing a comprehensive approach to highway safety. The Alliance for Traffic Safety strongly recommends a continuation of that posture by the Federal Government.

2. The Alliance for Traffic Safety is composed of private and public sector organizations with histories of traffic safety involvement dating back prior to the 1966 Highway Safety Act. Those organizations have actively voiced support of NHTSA-FHWA programs and further have indicated, as shown in the Airlie House and Dulles Conference Reports, that they wanted to be more fully involved with the implementation program within the separate highway safety program standard areas. The Alliance is pleased today to have the opportunity to participate and to express its point of view with respect to alcohol-traffic safety programs.

3. Alliance members have conducted activities in research, education, law enforcement, legal adjudication, standard review, public support programs in each of the separate states as well as cooperating with the NHTSA-FHWA programs for traffic safety. With those experiences the membership has been a prime source of private sector support for national programs.

4. The Alliance has testified in the last public hearings on NHTSA's rulemaking that its membership favors adherance to the total traffic safety approach (18 standards) with state determination of application of resources to specific problems identified for activity within that state. Therefore the Alliance is not sympathetic to the NHTSA's plan to reduce its levels of activity to a very narrow scope. The bill under discussion would appear to support such a method of operation and is viewed with concern by the Alliance's membership.

A systematic approach to traffic safety was also supported by Dr. William D. Cushman on February 26, 1982, in Atlanta, Georgia. He indicated that: "Traffic violations and mishaps are best addressed by a systematic, reasonable, and balanced approach rather than over-emphasis in any one direction with a corresponding neglect in others." Dr. Cushman is Executive Director, American Driver and Traffic Safety Education Association, Washington, D.C.

Senator DANFORTH. Ms. Tabler.

Ms. TABLER. Good morning, Mr. Chairman. Thank you very much. I am Diana Tabler appearing on behalf of John Doyle, chairman of the Board of the National Council on Alcoholism, and while I may be the only one on the panel not from the State of Missouri this morning in addition to Ms. Lightner, I do represent a national organization that has affiliates all over the country, the largest national voluntary health agency devoted to educating the public about alcoholism and alcohol abuse.

The National Council on Alcoholism deplores the carnage that occurs as a result of alcohol-related highway accidents. We approach this through a variety of national and State efforts and one of the local efforts that I would like to point out is the efforts of our own NCA affiliate in the St. Louis area which is actively involved in driver rehabilitation programs as well as advocacy on state legislation to enforce stricter drunk driving laws.

Our position on drunk driving is based on the following. We believe that a substantial portion of drunk drivers are alcoholic and problem drinkers. I have anecdotal data only to bring to you, but right here in the Washington area in our own Arlington County driver rehabilitation program, as many as 60 percent of the people coming through the program are identified as alcoholic.

We believe that alcoholism is a serious, potentially fatal illness, that it is treatable, that treatment works, that recovery is achieved

in as many as 80 percent of people who go through a comprehensive treatment regimen, and that treatment is really the most important prevention strategy for repeat offenders in the area of drunk driving.

We applaud the inclusion of alcoholism treatment in the bill that you have introduced, but we suggest that it could benefit by expansion of congressional intent with regard to a comprehensive treatment approach that is not simply education about alcohol but rather addresses the very complex biological, psychological and social elements of chronic addiction to a very powerful drug—alcohol.

Finally, the National Council on Alcoholism states that the imposition of punitive measures, including mandatory minimum sentences consistent with protection and maintenance of civil rights is not incompatible with our position that alcoholism is a serious illness and a disease. We view strict enforcement of drunk driving laws as an opportunity to bring more people in need of treatment into treatment for the disease of alcoholism.

NCA has not taken a specific position on the Pell-Barnes bill nor other State and local legislative attempts to curb drunk driving. However, the board of directors has recommended a number of princples for this legislation which I bring to you today, including the establishment of statewide task forces which are broadly representative of both the treatment aspect of the community as well as state highway officials.

We would add as well that local procedures must be developed for presentence investigations so as to identify the problem drinker and alcoholic and that a referral be made to treatment as an adjunct and not as an alternative to sentencing.

We believe that any bill should require training of criminal justice personnel with regard to alcoholism and alcohol-related problems. As Mr. Barnes said earlier today, a vast number of people in the local criminal justice system are now the frontline defense against drunk drivers. We feel they must be trained and educated about alcoholism and alcohol-related problems and we feel that information campaigns used by State and local jurisdictions to advertise or publicize the enforcement of strict drunk driving laws should include information about the health aspects of alcoholism and alcohol abuse and the opportunity for rehabilitation.

Finally, I would like to point out that the National Institute on Alcohol Abuse and Alcoholism has sponsored a national media campaign designed to discourge young people from drinking and driving. We would hope that the subcommittee would ask the Department of Transportation to enlist or to add their help to this effort to get these important messages on the national media. We are also anxiously awaiting the appointment by President Reagan of a National Commission on Drunk Driving.

In conclusion, sir, we do not condone leniency on the drunk driver and we view it as an opportunity to attract more people into the treatment system as the ultimate means of prevention. Thank you.

Senator DANFORTH. My guess is that if a dozen people were asked to outline comprehensive programs for dealing with drunken driving they would probably come up with a dozen different solutions

and they would all have wonderful things in them. My guess further is that if we have a chance in this Congress to do something in this area it will be something on the nature of Senator Pell's bill or my bill or some composite of those two bills.

I think that this is an area where changes in the law can save lives, can improve matters, and I think that we can put together legislation based on what is before us, which would be very helpful. It will not prevent all fatalities, but it will save a lot of lives.

I would just like to ask a short question to you and that is do you agree that legislation is worthwhile? Do you agree that the time has come to get on with it in passing a law, and further, will you, as we pursue this in the Congress and in subsequent efforts in the State legislatures, make a maximum effort in your organizations and yourselves to move the legislation along?

This is true in most legislation. The chances of success are in direct proportion to the amount of energy and the amount of attention that the issue gets from people who are concerned, such as you.

Ms. LIGHTNER. I can speak on behalf of my organization since we have been very supportive of both Senator Pell and Congressman Barnes for the last 2 years, and we will continue to support their legislation on a national level. Also, Senator Danforth, I haven't had a chance to get through yours completely, but I am sure that we will be doing something on that end also.

So far as MADD goes, which has 40 chapters in 15 States, we will be on top of the Pell-Barnes bill.

Mr. MARSHALL. The alliance meets April 26. We have not had a chance to look at the bill but we would be glad to send our responses.

Senator DANFORTH. I am sure that neither of the bills is perfection, but it just seems to me that the No. 1 aim has got to be to get these people off the roads quickly and for an extended period of time—just get them off the roads.

I mean, I am sure they have got psychological problems, personal problems, whatever the problems, I am sorry about that, but just get them off the roads. I think that changes in the law can accomplish this. It is worth pursuing and it takes a maximum effort on the part of concerned citizens to get that done.

Ms. CHARLEVILLE. I would like to speak on behalf of RID-Missouri, and I am sure I can speak on behalf of our RID chapters across the country, that we support the intent of national legislation. Of course, we are brand new—less than 6 months old—but we have already seen the accomplishments coming out of the Missouri General Assembly, so I feel very confident.

Senator DANFORTH. I commend you. You know, I think it was in 1973 that the same proposal that is in my bill now—we drafted it all up and held conferences in Jefferson City and tried to drum up support for it. I had a hard time getting a legislator to introduce it and I think that that is indicative of the fact that concerned citizens who are on a point about something can get it in there.

You have gotten through the State now.

Ms. CHARLEVILLE. Thirty to one in passing it—only one in opposition—but we are confident that we can see the same thing coming out on the national level.

Ms. TABLER. Mr. Chairman, the National Council on Alcoholism and our affiliates around the country will support State, Federal, and local legislative efforts to curb drunk driving as long as those efforts include assurances that those drunk drivers who are identified as alcoholic are also able to receive treatment as an adjunct to the criminal penalties.

Senator DANFORTH. Well, of course, it is my view that that is fine and I do not know. Criminal penalties are OK if they are used, and I have no objection to mandatory criminal penalties. That is just fine. But the problem is that once it gets into the court system there are two things that happen.

One, there is very broad discretion to just drop cases and a lot of pressure to drop cases. And the second thing that happens is even if the cases are not dropped—such as the case of Mr. Claus—it goes on and on and on—17 months.

Ms. CHARLEVILLE. Seventeen months on mine.

Senator DANFORTH. Therefore, it is my view that to do that is fine if you want to pursue it, if a prosecutor will pursue it, but in the meantime get that person off the road and the very fact of flunking the breath test to me means out. That should mean automatic revocation.

Senator Pell.

Senator PELL. Thank you, Mr. Chairman. I would observe that the legislation that had emerged as a result of this hearing will not be, as Chairman Danforth said, perfect, but will combine the best elements, hopefully, of both bills.

I think that whatever it is will be a huge step forward in the right direction. The important thing is to get strong Federal legislation on the books. When I started on this 5 years ago, in 1977, it was almost impossible to interest anybody. I have seen how public interest has changed in the last 5 years.

Ms. Charleville talked about how it changed in Missouri and this is a hopeful sign. We depend on you to fully support this bill, the combined bill and whatever comes out of here, and we would observe that the two people on my staff who were killed, which stirred me up some years ago, what happened to their killers—Don Lawson received a 1-year suspended jail sentence and that was all, and Joseph Rawlings went to jail a little bit on weekends, but their records were so badly kept that it was impossible to find out if they served their sentence.

But you are right. People are not getting on top of this. They are just getting their wrists slapped. I congratulate you on your job.

One question: Do you all support mandatory sentencing? Yes or no.

Ms. TABLER. Yes.

Ms. LIGHTNER. Yes.

Ms. CHARLEVILLE. Yes.

Senator DANFORTH. Thank you very much for coming all the way to Washington. I really appreciate your concern and your perseverance.

Ms. CHARLEVILLE. Thank you for being here.

Senator DANFORTH. The next panel consists of Fran Nathanson, William Johns, and R. V. Durham.

We have until 12:30 to finish with all witnesses. Therefore, let us proceed.

Ms. Nathanson.

STATEMENTS OF FRAN NATHANSON, COFOUNDER AND DIRECTOR OF SPECIAL PROJECTS, CITIZENS FOR SAFE DRIVERS AGAINST DRUNK DRIVERS AND OTHER CHRONIC OFFENDERS; WILLIAM E. JOHNS, MANAGING DIRECTOR, TECHNICAL SERVICES DIVISION, AMERICAN TRUCKING ASSOCIATIONS; AND WARREN J. RHEAUME, SAFETY AND HEALTH DEPARTMENT, INTERNATIONAL BROTHERHOOD OF TEAMSTERS

Ms. NATHANSON. Mr. Chairman and members of the subcommittee, I am Fran Nathanson.

Senator DANFORTH. Excuse me, Ms. Nathanson. If we could have some quiet, please.

Ms. NATHANSON. I am Fran Nathanson, cofounder of Citizens for Safe Drivers Against Drunk Drivers and other Chronic Offenders. Thank you for this opportunity to discuss a program we have been working to improve for almost 6 years—the National Driver Register [NDR].

On the day after Christmas 1975 our 14-year-old daughter Kamy was killed in Rhode Island by a chronically offending trucker whose tractor-trailer struck the rear of our car. The driver was under suspension at the time of the crash for the seventh time from his home State of New Jersey and was driving illegally on a license from Arizona.

Federal officials later told us that if the 21-year-old NDR had been working as Congress intended, our daughter and thousands of other Americans might still be alive today. And so we founded the first national citizens organization focusing on problem drivers with its initial goal—strengthening the national driver register.

We discovered that NDR's major weakness was its 10- to 14-day delay in transmitting vital information to and from the States because it still uses the antiquated U.S. mail system. In many States the driver gets his license while he waits and is long gone before the States receive data from the NDR.

The solution is a quick-response electronic communication pointer system as proposed in the pending NDR legislation as introduced by you and Senator Pell, Congressman Oberstar, and Congressman Rhodes.

As you know, NDR is a Federal/State clearinghouse enables the States to avoid licensing drunk drivers and other chronic offenders who are suspended or revoked in other States. NDR is the only interstate mechanism that permits checking a single source instead of 50 States plus an additional six jurisdictions.

The NDR is an in-place program that is working. However, it is not working as effectively as it could be and must be. Every State currently uses the NDR at varying levels and participates on a voluntary level. Last year, the States made over 21 million inquiries—that's almost 84,000 each day, all without Federal funding. We think that indicates the States are all committed to NDR.

NDR files include almost 7 million problem drivers. Over 53 percent are listed as drunk drivers and another 20 to 25 percent are

unidentified drunk drivers whose charges have been downgraded to reckless driving and lesser violations. The NDR also identifies other chronic offenders and persons who should not be driving because of serious physical or mental problems.

Pending NDR legislation [National Driver Register Act] would speed the information to the States within 60 seconds, information that would be as up to date and accurate as the State records themselves. All records, however, would remain in the States.

NDR is a major program with a minimal budget, currently less than $1.2 million a year. The proposed system would only slightly more than double this amount, but benefits will be multiplied many times and the actual cost per identification will drop more than 80 percent.

All studies of the NDR—and it has been studied endlessly—agree that it is a vital and valuable licensing tool that needs to be improved and that further delay in improving the system is not justifiable.

As more States are stepping up the battle against the drunk driver and increasing numbers of these dangerous drivers rush to other States for licenses. The proposed legislation to strengthen NDR is a necessary first step for any national attack on the drunk driver. It is urgently needed to help close the loopholes that permit him to escape penalties in his own State and be born again in another State with a clean record, free to drive again and perhaps to kill or maim.

We urge this Congress to bring the NDR into the 20th century by passing the pending National Driver Register Act quickly. Thank you.

[The statement follows.]

STATEMENT OF FRAN NATHANSON, COFOUNDER AND DIRECTOR OF SPECIAL PROJECTS, CITIZENS FOR SAFE DRIVERS AGAINST DRUNK DRIVERS AND OTHER CHRONIC OFFENDERS

Mr. Chairman and members of the subcommittee, I am Fran Nathanson, cofounder of Citizens for Safe Drivers Against Drunk Drivers and Other Chronic Offenders. I want to thank you for this opportunity to discuss a program we have been working to improve for almost six years * * * the National Driver Register (NDR).

On the day after Christmas, 1975 our 14-year old daughter Kamy was killed by a chronically offending trucker whose tractor trailer struck the rear of our car. The driver was under suspension for the seventh time from his home state of New Jersey and was driving illegally on a license from Arizona.

Federal officials later told us that if NDR had been working as Congress intended, our daughter and thousands of other Americans might still be alive today. And so we founded the first national citizens traffic safety organization focusing on problem drivers with its initial goal: strengthening the NDR.

We discovered that NDR's major weakness was its 10 to 14-day delay in transmitting vital information to and from the states because it still uses the U.S. mail system. In many states the driver gets his license while he waits and is long gone before the states receive data from the NDR.

The solution is a quick-response electronic communication pointer system as proposed in the pending National Driver Register Act (HR 2052, S 672) and S 2158 just introduced by the Chairman of this Subcommittee Senator John C. Danforth (R-Mo.).

Almost from the inception of NDR 21 years ago, states have been urging the National Highway Traffic Safety Administration (NHTSA) to provide this instant online communication, but federal officials persisted in bureaucratic footdragging. Further delay in passing this lifesaving legislation to strengthen the NDR will severely limit current efforts of states now working to control drunk drivers.

As you know, NDR enables the States to avoid licensing drunk drivers and other chronic offenders who are suspended or revoked in other States. NDR is the only interstate mechanism that permits checking a single source instead of 50 States. There is no other system in existence or contemplated to do this job.

The NDR is an inplace program that is working. However, it is not working as effectively as it could be and must be. The proposed legislation will remedy this. Every State currently uses the NDR at varying levels and participates on a voluntary level. Last year the States made over 21 million inquiries—that's over 84,000 each day. And the States sent to NDR over 2 million new records on suspended and revoked drivers—that's 8,400 each day. All this was done without one penny of federal funding. Over a quarter million identifications were sent by NDR to the States—close to 1,000 per day. This committment of personnel and financial resources by the States is a strong indication of its importance to them.

The NDR presently includes almost 7 million problem drivers. Over 53 percent are listed as drunk drivers and another 20 to 25 percent are "unidentified" drunk drivers whose charges have been downgraded to reckless driving or lesser offenses.

The NDR also identifies other chronic offenders and persons who should not be driving because of serious physical or mental problems. It is a keystone for other traffic safety programs. NDR helps States detect drivers with multiple licenses/multiple records in their own and other States.

Pending legislation would make NDR more effective. It would speed NDR information to the States within 60 seconds—information that would be as up-to-date and accurate as the State records themselves. After a phase-in period, no substantive data would be kept in the NDR . . . only the name, date of birth, license number, and/or social security number. The NDR will also point to the State or States that have the driver record. All records would remain in the States.

In addition to suspended and revoked drivers it is proposed that the new system would also include records on persons who are not suspended but who are convicted of serious violations such as drunk driving, hit-and-run, fatalities, and using a motor vehicle in the commission of a felony. The information will be available to the States not only at the time of original and renewal licensing as at present, but also for driver improvement, driver safety, and for checks by employers of drivers.

Because the U.S. Department of Transportation has continuously delayed improving the NDR despite repeated State requests, all State driver licensing offices, various federal agencies, and American businesses charged with protecting the safety of the public have been severely limited or completely restricted from obtaining information necessary to comply with traffic safety requirements.

Until the NDR is strengthened, State driver licensing officials will continue to be stymied because 42 States now have specific laws prohibiting them from licensing drivers suspended or revoked in other States.

Employers of truck drivers also continue to be stymied. Even though U.S. law prohibits them from hiring suspended or revoked drivers, employers have not been able to check the employee's driver record in the NDR through their State driver licensing offices. And if negative information is discovered by the trucking company more than 30 days after hiring, union rules mandate that the employee be retained regardless of his driver record

The NDR has always safeguarded the individual's privacy and the new system will continue this practice. Any person listed now, and in the future, can check his own record to confirm its accuracy and make corrections, if needed.

Computer software blocks can be built into the system to accommodate any specified limitations on employee records, such as the time period for retention records, when the NDR receives from the States an inquiry from an employer of a driver.

No system is perfect or can completely satisfy all needs but the proposed NDR goes a long way toward meeting most of them. Provisions for continued testing and evaluation plus an advisory board will provide flexibility to adjust to the changing needs of the States and employers while protecting the rights of drivers.

Above all, the NDR would protect the public by helping to keep off the road drivers who rush to another State once they are suspended or revoked in their home State.

In the treatment of drunk drivers it is vital that driver records be accurate, complete, and timely. We are pleased to see that some of the States are beginning to improve their record systems by providing for recording the alcohol charge even when probation before judgment is given. The addition of information from other States will help to complete the driver history, so necessary for proper and equitable sentencing and treatment.

Many people think that it is possible to confirm driver records by checking with the neighboring state or the state that the driver indicates he is from. However, the

suspended or revoked driver often does not report his correct former licensing state. A recent NHTSA study of 1.5 million drivers over a 7 year period indicates that 65 percent of out-of-state suspended or revoked driver license applicants were from non-contiguous states.

In our increasingly mobile society, large numbers of fatal or serious accidents are caused by out-of-state drivers or drivers who have recently moved from other states. It is urgent that every possible measure be taken to assure that the drivers on all our highways are as responsible and safe as possible.

A recent California study indicates that in hard-core multiple offense drunk driving cases, the removal of the driver license by suspension or revocation is at least 50 percent more effective for reducing accidents than any other penalty whether it be fine, treatment, or even jail—and the benefits last as long as 48 months.

Certainly, some people who are suspended or revoked will drive anyway but many don't and many do, drive less often and more carefully to avoid being picked up. Thus suspensions and revocations help to reduce the accident rate. Since driver license sanctions (suspensions and revocations) are nationally recognized as the most effective driver safety tool, a strengthened and modernized NDR is urgently needed not only to identify, monitor, and control the alcohol-impaired driver but all other types of chronic offenders.

The proposed system would begin on a pilot basis with four states participating. This would assure that both the mechanical and program aspects of the new NDR would work efficiently before other states are invited to participate in the online system.

The NDR would continue to be voluntary. Since it would be designed to meet the needs of the states, it is expected that all or most of the states would participate at a much higher level than at present. A very key feature of the proposed NDR legislation is an advisory board which will assure that the NDR is responsive to state needs and will encourage the highest level of participation.

Indicative of the higher level of participation that will ensue with the online system is New York and Florida's request to be pilot states. Both these states now enter records but currently do not make inquiries. Since 1970 Florida has continuously written NHTSA, indicating that it would begin to participate fully with inquiries as soon as NDR goes online.

The NDR is an excellent example of federal/state cooperation—a program where central federal coordination is necessary. NHTSA Administrator Raymond Peck has publicly stated that "it would be hard to find a better definition of a federal issue than the goal of the National Driver Register."

Since Congress established the NDR over 21 years ago it has always understood the importance of NDR and fully supported it. Just this past year, when NHTSA made an ill-advised proposal to terminate the NDR as a way of reducing the NHTSA budget, both Houses of Congress said that they disagreed with this proposal and earmarked funds to continue NDR.

No issue has so unified the entire traffic safety community as the possible elimination of this small but vital program. As a result of the combined protest of citizens and professionals and our lengthy meetings with Mr. Peck, he admitted he made a mistake and publicly reversed his position indicating that the now favors strengthening the NDR through federal legislation.

Mr. Peck stated his reversal on October 1, 1981 in a major speech at the annual international conference of the American Association of Motor Vehicle Administrators. He stated:

"When we made our first budgetary judgments, obviously we consciously and intentionally zeroed out the National Driver Register * * * WE WERE WRONG. There are a lot of ways to disguise that sentence but there is no way to disguise the meaning of it. IT WAS A BUM CHOICE * * * the fact is that IT WAS JUST A MISTAKE.

"I don't know what the right bill should be, but I do know that I can work with Congressman Oberstar and his staff on this bill and with the Nathansons (CITIZENS FOR SAFE DRIVERS) who really did a heroic job of bombarding me with argumentation. I see no reason why a workable National Driver Register can't be the result of this approach in this administration."

The major national safety organizations support the improvement of the National Driver Register. These groups include:

American Association for Automotive Medicine;
American Association of Motor Vehicle Administrators;
American Automobile Association;
American Trucking Associations, Inc.;
Citizens for Safe Drivers Against Drunk Drivers & Other Chronic Offenders;

Council of State Governments;
Federal Highway Administrations (Bureau of Motor Carrier Safety);
Insurance Institute for Highway Safety;
International Association of Chiefs of Police;
Motor Vehicle Manufacturers Association;
National Association of Governors' Highway Safety Representatives;
National Association of Independent Insurers;
National Association of Women's Highway Safety Leaders;
National Highway Safety Advisory Committee;
National Highway Traffic Safety Administration;
National League of American Wheelmen (bicyclists);
National Safety Council;
National Sheriffs' Association'
National Transportation Safety Board;
Private Truck Council;

In addition many Governors and members of Congress are supporting the strengthening of the National Driver Register.

NDR is a major program with a minimal budget—currently less than $1.2 million per year. The proposed system would only slightly more than double this amount. But benefits will be multiplied many times and the actual cost per identification will drop more than 80 percent.

All studies of the NDR—and it has been studied endlessly—agree that the National Driver Register is "a valuable safety tool that needs to be improved" and that "there is no justifiable reason for further delay." Some of the studies include the 1973 Louisville Conference Study, the 1978 General Accounting Office Report, the 1979 Study by Citizens for Safe Drivers, the 1980 NHTA Report to Congress, and the 1980 National Transportation Safety Board Study.

As more states step up their battle against the drunk driver increasing numbers of these dangerous drivers rush to other states for licenses. The proposed legislation to strengthen the NDR is a necessary prerequisite for any national attack on the drunk driver. It is urgently needed to help close the loopholes that permit the drunk driver and other chronic offenders to escape penalties in their home state and be born again in another state with a "clean record" free to drive again and perhaps to kill or maim.

The proposed NDR will also strengthen the safety work of most federal, state, local, and business groups responsible for improving highway safety by detecting and controlling the problem driver so overrepresented in serious highway crashes.

We urge this Congress to bring the NDR into the 20th century by passing the NATIONAL DRIVER REGISTER ACT quickly. We feel certain that this committee will do everything possible to insure the speedy enactment of this lifesaving program that will help give the American public the safety on the highway it has the right to expect.

Senator DANFORTH. Thank you very much.

Mr. Johns.

Mr. JOHNS. Mr. Chairman and members of the Surface Transportation Subcommittee, my name is William Johns. I am managing director of the technical services division of the American Trucking Associations, Inc., which is the national representative of motor carrier employers in the trucking industry.

We appreciate the opportunity to present trucking industry views to the subcommittee on legislation. We strongly support legislation to control the drunken driver. However, the focus of our remarks will be on improvements to the national driver register program. The reason for this is that in the trucking industry the problem of drinking truck drivers is minimal compared to the national problem for all vehicle operators.

We have given detailed comments, written comments, to the subcommittee staff and so my remarks at this time will be a brief summary focusing on the national driver register. I would like to emphasize at the outset that the great majority of the Nation's truck drivers are professionals who have outstanding safety records, one of the best being that of the national truck driver of the

year, William Yates, who has compiled a record of 2 million miles of safe driving.

However, because truck drivers accumulate high mileages and drive under a variety of weather, traffic and road conditions that are frequently adverse, they can develop a poor driving record very quickly. Therefore, it is essential that employers and regulators monitor driving records closely and take remedial action for those drivers whose record indicates a potential for serious accident.

Currently there are problems in obtaining driver records that are accurate, complete, and timely. If a truck driver has a traffic violation in a State other than his State of licensure, there is a strong possibility that notification of the violation will not be transmitted to the home State licensing agency to be entered in the driver's record.

And for some truck drivers the record is not accurate because they have more than one driver's license and they spread traffic violations among those licenses. By doing this they avoid accumulating a large number of violations on one license which could lead to suspension or revocation of that license.

The problem of timeliness occurs when State licensing agencies send an employer information which shows that a newly employed truck driver has a poor driving record and such information is received after the probationary employment period. If that happens, it is extremely difficult to terminate the employment.

These problems can be resolved if there is improvement in the national driver register. We agree with licensing experts that the NDR system needs to be updated electronically and also needs greater participation by the States.

Additionally, we believe that there should be provision for truck driver listings of all moving violations and provision for access to such information by motor carrier employers, and by appropriate regulatory agencies. If the employer is allowed to query the register it will save a great deal of time and effort and it will broaden the scope of the employer's inquiry to all states participating in the register.

It will not limit the inquiry to those States which the driver has listed as his State of licensure and to those States which the employer might check as a matter of routine.

We believe that an improved national driver register should include a listing of all interstate commercial drivers and that the information provided on such drivers should be a record of all moving violations as well as license suspensions and revocations. The register would thereby provide a continually up-to-date record for monitoring the performance of high-mileage drivers who frequently operate under adverse conditions and long distances from their State of license.

In addition to the foregoing, there obviously needs to be incentive or a requirement that information on the traffic violations of an out-of-State driver be sent by a State to the driver's State of licensure, otherwise, the driver's record will not be complete.

In brief, Mr. Chairman, the trucking industry strongly advocates improvement of the national driver register and will support legislation to that end. That concludes my remarks. If you have questions I will be happy to answer them.

Thank you for your time and attention.
[The statement follows:]

STATEMENT OF WILLIAM E. JOHNS AMERICAN TRUCKING ASSOCIATIONS, INC.

Through the years American Trucking Associations, Inc., has made extensive efforts to assure that truck drivers are fully qualified to operate their vehicles safely. The trucking industry's focus has been on procedures and systems for monitoring driving records so that remedial action can be implemented for those truck drivers who are unsafe, as evidenced by their records of traffic violations or traffic accidents.

Past efforts by ATA include establishment of an industry standard in 1940 for qualifying truck drivers. A key provision of the standard is review of a truck driver's record with past employers and with state licensing agencies. The industry has also strongly supported driver qualification rules of the Bureau of Motor Carrier Safety which became effective in 1971. The rules include provisions for employer review of driving records of employees and of prospective employees.

In the past decade American Trucking Associations has frequently sought improvement in the National Driver Register because of its potential as a highly effective tool for monitoring the driving records of truck drivers. ATA participated in the National Driver Register Study Conference in 1973 and in the study of the National Driver Register mandated by Section 204 of the Surface Transportation Act of 1978. ATA has also supported legislative proposals designed to improve the NDR.

The comments herein are provided in support of National Driver Register Legislation in the hope that there can be an improved Register which will provide driver record information that is more accurate, more complete, more timely and accessible to employers of truck drivers as well as to state and federal officials responsible for regulating the safety of truck operations.

I. IMPORTANCE OF TRUCK DRIVER RECORDS

The great majority of the nation's truck drivers are professionals who have outstanding safety records, one of the best being the two million mile safe driving record of William Yates, the National Truck Driver of the Year. However, the potential for traffic violations and/or traffic accidents is high because in the course of a year the truck driver may drive as many as 100,000 miles and the conditions of traffic, weather and roads are frequently adverse. The combination of high mileages and adverse driving conditions can quickly result in a poor driving record if a driver does not exercise care and caution in his driving.

The record of a truck driver's past performance is one of the best indicators of future performance. It is essential that employers and regulators be constantly aware of a truck driver's record so that remedial action can be instituted quickly for those drivers whose record indicates the potential for a serious accident . . . one which may result in death, serious injury and extensive property damage. Ideally, all aspects of a driver's record should be readily accessible, but such is not the case. Too often traffic violations of a driver occur in a distant state and information about such violations is not provided to the employer or to the state of licensure by the driver or by the state in which the violation occurred. The fact that states do not reciprocally transmit information about traffic violations of out of state drivers to the home states of those drivers makes it impossible in many cases to obtain a complete record of traffic violations on some drivers.

A further complication and hinderance to the ability to obtain a complete driving record is that some drivers obtain a license in more than one state. This is sometimes down to spread violations among two or more licenses, thereby reducing the possibility of a license suspension or revocation, and to insure that if one license is suspended the driver possesses another license that is valid. Investigations of major accidents by the Bureau of Motor Carrier Safety and by the National Transportation Safety Board have disclosed instances in which the adverse record of a truck driver was divided among several licenses so that the true record could not be readily ascertained.

Obviously, if problem truck drivers are to be detected, there must be controls of driver licensing and of traffic violation records to assure that employers and regulators are fully informed about those drivers who are developing bad safety records and have the potential for causing serious accidents.

II. CURRENT INDUSTRY PRACTICE

At present, before hiring a driver, an interstate motor carrier must check individually with each state in which a driver acknowledge holding a license within the previous three years to determine the nature of the truck driver's record. Additionally, employers of drivers frequently monitor other states in which a driver employee is known to operate to determine if the driver is maintaining a record free of violations. To assist motor carriers in these inquiries to state agencies. American Trucking Associations has prepared a manual which lists the licensing agency contact in each state, the procedure which must be followed by the motor carrier to obtain a driver's record, and the general types of record information available. The success of this system, however, is wholly dependent upon the integrity of the driver in providing information on where he has held licenses and the extent of his violations. If the driver does not provide accurate information, the motor carrier can only guess as to which states to check for driver license records and traffic violations.

Each state agency has its own procedures for providing information to the individual making a request for driver records. In some cases the records are protected by privacy laws and may not be available. The procedures of each state must be followed to the letter, as failure to do so results in the state agencies either returning the request for information or simply ignoring it.

A copy of the ATA manual, titled "How and Where to Check Driving Records and How and Where to Report Accidents" is attached hereto to illustrate the complexity faced by motor carriers to obtain driver record information from the various states.

As previously pointed out, the effectiveness of the present system is almost wholly dependent upon the information which is furnished by the driver as to each license he has held during the past three years. A driver applicant for employment with a poor driving record is presently able to list only that license with the fewest violations of record, although he may well have other license records which reflect unsafe operations and these will remain unknown to an employer or prospective employer unless a better system, such as an improved National Driver Register, is instituted.

III. TIMELINESS OF INFORMATION

Through the years, motor carriers have experienced serious delays in receiving information from state license agencies. Delays of 60 to 90 days are not uncommon and information is rarely received in time for a carrier to act on prior to the end of a 30-day probationary period which is part of labor agreements. If the 30-day period has ended and it is belatedly found that a new employee has an unsatisfactory driving record, it is extremely difficult to terminate such individual. To insure an opportunity for effective action relative to the hiring of new driver employees, it is essential that responses to motor vehicle record inquiries be provided to motor carriers within 5 to 10 days of the request.

IV. NATIONAL DRIVER REGISTER PROVISIONS

American Trucking Associations, Inc., supports legislation to establish a new National Driver Register System, one that will provide information about the records of problem drivers that is more timely, more complete and more accurate.

ATA is a proponent of participation in the National Driver Register by all of the states to assure that the records of all problem drivers are included therein. However, we recognize that, for various reasons, some of the states might oppose mandated participation and such a requirement might therefore have a negative impact on passage of the legislation and result in loss of other potential benefits of an improved Driver Register. Thus, we are willing to accept a provision for voluntary participation of the states with the expectation that ultimately the benefits of participation to each state would be an incentive for participation of all states.

If the proposed legislation provides the option of transmitting information electronically or by U.S. Mail, it will continue, to a limited extent, the current problem of not having information handled in a timely manner. ATA recognizes that an immediate transition to electronic equipment is not possible, but we would urge that there be a requirement in the legislation for such transition within a specified time period, e.g. 2 to 5 years following enactment of the legislation.

The trucking industry is anxious for a legislative provision that will allow a motor carrier employer to receive driver record information about current and prospective employees directly from the Register. For privacy reasons, it might be necessary that such provision include a requirement that the information is available

only with the consent of the employee. Such a requirement would be acceptable. However, it would not be acceptable if the information is only available through the employee and not directly from the Register because employers could not be certain that the information had not been altered. If the employer is able to query the Register directly, it will save a great deal of time and effort expended now in making inquiry to a number of state licensing agencies. It will also broaden the scope of the employer's inquiry beyond those states which the driver has listed as being states of license and those states in which the employer might check as a matter of routine. It is extremely important that the record check for truck drivers cover as wide a range of states as possible because truck drivers, as a result of their extensive travel, might have developed a traffic record in states far removed from the state of current licensure and employment. An improved National Driver Register has the potential for locating driving record information regardless of its source, and so access to the Register would be of inestimable value to employers.

The trucking industry is an advocate of a National Driver Register system which assures identification of truck drivers, identification of all of the licenses held by a truck driver and a means of determining the complete record of all moving violations of a truck driver. In the past, the trucking industry advocated establishment of a National Commercial Driver Register for these purposes. However, we recognize now that a separate Register for truck drivers would probably not be cost effective and that the same purposes can be accomplished through the 'pointer' system concept which provides for retention of driving records at the state level and utilizes federal capabilities to 'point' to those states in which a driver has a record.

An improved National Driver Register system should include a listing of all interstate commercial drivers and require that a complete record of all moving violations of such a driver would be provided in answer to an inquiry. As an alternative, the listing should be, at the least, of all drivers of heavy trucks in interstate commerce. The purpose would be to provide a continually up-to-date record for monitoring of those drivers who have the potential for developing a poor record in a relatively short period of time because of the high mileages they operate and the variety of conditions under which they operate.

It would be a relatively simple matter to initiate a commercial driver listing by using the classified license system now in effect in 26 states as a means of identifying many drivers of heavy vehicles. For the future, expansion of the listing of the National Driver Register Act could promote adoption of the classified licensing system in other states. Additions to the listing of commercial drivers would also result from traffic violations of commercial drivers.

A national register of all moving traffic violations of truck drivers is also essential so that regulators and employers can become aware of a bad driving record before it reaches the critical state of serious accidents which result in death, injury and extensive property damage. We support provisions of legislation which require a listing of license revocation and suspensions, and listings for convictions of driving under the influences of alcohol or drugs, for reckless driving and for racing. We agree with provisions which give the Secretary authority to list other traffic offenses, but we believe that for commercial drivers the legislation should specifically require a listing of all moving violations because such a record is invaluable in evaluating the safety (or lack thereof) of commercial drivers.

An essential element of a more effective system of monitoring the driving record of truck drivers is the forwarding of information about truck drivers' convictions or forfeiture of collateral by a state in which a moving traffic violation occurred to the state of licensure. With the exception of some states, interchange of information on convictions between states is notoriously uncertain and many states do not keep a record of convictions of out of state drivers. In one instance, a truck driver licensed in Michigan had four speeding violations in Ohio in one year. His employer was not made aware of these violations when a record check was made with Michigan and Ohio authorities because neither state had provisions for recording such out-of-state violators or violations. The employer learned of the violations because the driver reported them. Obviously, not all drivers would report all moving violations because it might not be in their best interests from the standpoint of employment to do so. The mechanism for a complete driving record must rest with the states and with an improved National Driver Register. ATA would urge that legislation for a National Driver Register include a provision whereby a state participating in the Register would be required to forward information about convictions and forfeitures to a truck drivers' state of licensure.

In order for National Driver Register information about a truck driver's record to be timely it should be transmitted within a short time frame, such as 5 to 10 days. If information is delayed for a period of 30 days or more, much of the information

provided may be obsolete, such as a driver license suspension of 30 days' duration, or the time frame within which the information can be utilizied may have elapsed under labor contract agreements which provide that the probationary period for new employee shall not exceed 30 days.

ATA supports the concept of an advisory committee for the National Driver Register. This would assure that problem areas are given proper consideration and that the Register is more likely to be kept up to date from the standpoint of procedures and equipment than has been the case in the past. We would recommend that representation on the Committee be broad enough to include state licensing officials and interest groups outside of government such as bus and trucking interests, enforcement officials, and professional traffic safety organizations such as National Safety Council.

V. CONCLUSION

The need for an effective National Driver Register is especially great in the trucking industry because of the need for close monitoring of truck driver records. Such drivers have a higher potential for traffic violations and accidents because of their high mileage operations and frequent adverse conditions of traffic, weather and roads. It is possible for a truck driver to have frequent traffic violations and for such violations to occur far distant from the driver's state of licensure. Therefore, a Register system is needed that will provide complete information on all moving violations on a timely basis.

The trucking industry urges that there be a special provision in legislation to improve the National Driver Register which will provide a listing of all commercial drivers in interstate commerce, or at least a listing of drivers of heavy trucks. There should be provisions for providing information through the Register about all moving violations of truck drivers and for assuring that violations by out of state drivers are made known to the state of licensure. Finally, and most importantly, such legislation should provide employer access to driver record information provided through the National Driver Register.

Senator DANFORTH. Mr. Durham.

Mr. RHEAUME. Mr. Chairman and members of the subcommittee, Mr. Durham is unable to be with us today. My name is Warren Rheaume. I am assistant to the director of the Safety and Health Department for the International Brotherhood of Teamsters. With me today is Mr. Bartley O'Hara, our legislative counsel.

We appear on behalf of general president Roy Williams, who is unable to be with us. I would like to summarize our comments and with your permission submit our full statement for the record.

The International Brotherhood of Teamsters appreciates the opportunity to express our views on this important issue. As a representative of hundreds of thousands of Americans who earn a living driving commercial vehicles we favor any effort to increase safety on our Nation's highways. As a result, our organization favors the concept of a federally sponsored national driver registry.

Effective and efficient exchange of licensing and traffic offense data among licensing agencies, law enforcement officials and employers will significantly upgrade the accuracy of licensing and employment procedures. All of us who use the highway system have a vested interest in removing from that system individuals who have proven themselves to be a present danger when behind the wheel. The NDR, properly constituted and used, is a valuable tool in advancing this interest.

An equally compelling interest of our organization centers on insuring fairness in the use of NDR data. This interest is reflected in our position that data not be retained in NDR files for a period greater than 3 years.

The 3-year data purge is a characteristic of the vast majority of State licensing files. We strongly urge that any NDR proposal con-

sidered by this subcommittee include a similar provision. Three years is an adequate period for the purposes of the register.

It is the retention period recommended by the National Highway Safety Advisory Committee in 1977 when that body recommended an NDR policy to the Secretary of Transportation. The Advisory Committee was composed of representatives of labor, State, and Federal regulatory agencies, a representative of the ATA motor carriers, and other interested parties. Their recommendations are attached to our written statement.

It is also the period for which prospective employers must investigate the driving record of applicants for employment in order to comply with DOT regulations.

In our opinion, a longer retention period would work an injustice on persons seeking employment in the trucking industry. To be effective, the NDR must be seen as a compliance tool, not as a means for exacting further punishment for past conduct.

Aside from the mentioned retention period, we feel any NDR proposal should include the following provisions:

Employee access. Existing proposals allow an individual to obtain a copy of the NDR file upon request. Such a provision is a necessary part of the NDR. However, we suggest that in the case of an NDR request made by an employer, the individual for whom information is requested should be given a copy of the NDR report as a matter of right. Production of this copy could be made the responsibility of the requesting employer.

Such a provision would enable the individual to ascertain the accuracy of the NDR report. As a result, the individual will be protected from the consequences of unknown or erroneous reports, and the ultimate accuracy of the NDR files will be enhanced.

Error correction. Similarly, when an individual believes data in the NDR file is in error, any NDR proposal should have a mechanism for noting that belief immediately in the NDR file. It is conceivable that once an alleged error is brought to the attention of the NDR, it may take several weeks to fully investigate and, if warranted, correct the file. In the interim, an individual seeking employment would be severely hampered by the recurring challenged report.

We suggest that both an error correction provision and an interim on-file notation mechanism be included in the NDR system. The notation would simply alert the user of that particular individual's file to the fact that the data may be inaccurate and an investigation is in progress.

Data composition. Legislation creating the NDR must precisely define the traffic offenses and licensing data to be included in the NDR file. Such precision is necessary to provide States with uniform guidelines on the information to be provided.

Advisory committee. An advisory committee, comprised of State licensing officials and representatives of commercial drivers, motor carriers, and the general public should be created to review the performance of the NDR and make recommendations to the appropriate officials.

We commend the committee for its interest in this area and appreciate the opportunity to express our views. We stand ready to

assist in the creation of a workable, effective national driver's register.

I would be happy to take any questions that the subcommittee would have. Thank you.

Senator DANFORTH. Senator Pell.

Senator PELL. Thank you, Mr. Chairman. As I understand it now the national driver register, is falling into disuse. We have 40 States presently participating in it, but because of the bureaucracy, the redtape and the time it takes in using the U.S. Postal Service, States are starting to pull out of the system and I think the approach in Senator Danforth's bill and my bill to go electronic is absolutely necessary. Otherwise, we will find that everything we have been talking about is academic and all the States will pull out.

Mr. JOHNS. We agree with that.

Ms. NATHANSON. May I make an answer to one point that was made in connection with the 3-year retention period. It is possible to build into the State systems computer software blocks that will accommodate any specified limitations, such as a disclosure period on employee driver records, so that they wouldn't have to reduce the retention period.

Since a longer history driver is required and desirable for drunk drivers, for persons with certain medical problems, and for other chronic offenders, it is important that the entire system not be limited to or mental a single disclosure period for everyone. I realize that the Teamsters are concerned about this point. Therefore, I have confirmed that it is possible for States to put a software block into their computer systems that can program employee driver records for disclosure for 3-year periods only, whereas records for other types of drivers would continue to be disclosed for longer periods as needed.

Mr. RHEAUME. We support the 3-year purge for all purposes.

Senator DANFORTH. Thank you all very much for being here. The next witnesses are Phil Haseltine, Robert Brown, James McGuirk, and Robert Goldstein.

Mr. Haseltine.

STATEMENTS OF PHIL HASELTINE, CHAIRMAN, NATIONAL ASSOCIATION OF GOVERNORS' HIGHWAY SAFETY REPRESENTATIVES; ROBERT BROWN, DIRECTOR, PUBLIC AFFAIRS AND CONSUMER EDUCATION, AMERICAN ASSOCIATION OF MOTOR VEHICLE ADMINISTRATORS; JAMES F. McGUIRK, DEPUTY COMMISSIONER, NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES; AND ROBERT M. GOLDSTEIN, DIRECTOR, ALCOHOL COUNTERMEASURES AND POLICE TRAFFIC SERVICES, TRAFFIC AND SPECIAL OPERATIONS, D.C. METROPOLITAN POLICE DEPARTMENT

Mr. HASELTINE. Thank you, Mr. Chairman. I am Phil Haseltine, the Governor's Highway Safety Representative from the State of Michigan, presently chairman of the National Association of Governors' Highway Safety Representatives. We are pleased to have the opportunity to testify before this distinguished subcommittee and pleased to have the States represented among these witnesses as well.

At the State level we are extremely concerned both with the financial implications and, more importantly, with the human tragedy which results from traffic crashes, more than half of which are attributable to drinking drivers. The State highway safety agencies under the direction of the Governors' Highway Safety Representatives are committed to doing something about it.

We recognize there are no easy solutions to the drunk driving problem. Partial solutions, however, do exist. We are convinced that this problem, while national in scope, can most effectively be dealt with at the State and local levels. It is a problem which must be addressed comprehensively and there are, I caution, no quick-fix solutions.

We can make some inroads, however, almost immediately. Experience tells us that the combination of concentrated efforts by law enforcement officers, certain prosecution, and the imposition of meaningful sanctions can have a deterrent effect. Officers need to be trained in the detection of drunk drivers. Patrols need to be concentrated in the areas most frequented by drinking drivers and procedures must be sufficiently streamlined to permit rapid processing of offenders.

Statutes and ordinances must provide for expedient prosecution, meaningful punitive and license sanctions, and should include provisions which channel offenders on the case findings, education, and treatment, programs as appropriate for the individual.

Prosecutors and judges must be properly trained and they must have the resolve to treat drunk driving cases as serious offenses. Public education and information efforts should not only inform the citizenry of the nature of the drinking driver problem but should serve to reinforce the presence of police officers, the certainty and the severity of sentences imposed on offenders.

A systems approach is vital if the spectrum of enforcement and sanction activities is to maximize this deterrent potential. But the successful program to combat drunk driving in this country will not focus on enforcement and sanctions alone but on prevention, both to minimize the occurrence of repeat offenses through the imposition of punitive and licensing sanctions, case finding, education and treatment, and primary prevention to try and minimize the degree to which people drink and drive in the first place, those who have yet to be caught.

And while a law enforcement presence will have some impact, it should be recognized that we will never have enough law enforcement officers to remove every drunk driver from the road, given existing social attitudes.

Educators tell us that attitudes toward drinking are formulated at a very young age, probably before the youngster becomes a teenager. I think this illustrates the need for primary prevention and education programs at that age when youngsters are impressionable, and that means at the elementary school level.

The States are in fact doing something about the drunk driving problem. Ms. Steed and others here have mentioned some of the things that are happening. Over half of the States in this country right now have legislation pending to toughen their drunk driving statutes. Several have formalized task forces to address the prob-

lem. Others are developing recommendations by way of existing entities.

Collectively we are devoting more of our section 402 State and community highway safety dollars to drunk driving countermeasures than any other program area, with the exception of police traffic services, and some of that money is going toward drunk driving efforts as well.

Unquestionably the interest in the drunk driving problem is at an unprecedented high level throughout this country. We are committed to the belief that the States should be addressing the drunk driving problem comprehensively. We are continuing to do more.

We note that one of the provisions of Senator Pell's bill, S. 671, would require States in fact to address drunk driving on a comprehensive basis.

Frankly—and we have been working with some of Senator Pell's staff, some of Congressman Barnes' staff—we have a couple of problems with the original language of that bill, at least one of which is remedied by your version of the bill which you introduced yesterday, Senator Danforth, that problem being with the penalty clause for the States.

We view the approach of providing some type of incentive to the States as much more appropriate, much more effective than the penalty approach.

We have another problem, quite frankly, with the whole issue of standardized sanctions, and our concern is not with the level of sanctions or with dealing with drunk drivers strictly. We believe that they should be. Rather, our concern is that the level of sanctions perceived as being fair and just in one State may be perceived differently in a second demographically different State, and given these differences between States.

As we heard this morning, a couple of years ago, in 1973 when you first introduced legislation, Senator, you couldn't get anywhere with it. A couple of years ago we would not have had this kind of forum. We don't have the active MADD groups in all States that we have in California and Maryland. The States need some flexibility and that's all I would ask for there.

Senator DANFORTH. Thank you.

Mr. Brown.

Mr. BROWN. Thank you, Senator. I am Robert Brown, director of public affairs for the American Association of Motor Vehicle Administrators, an association of State and provincial officials responsible for the administration and enforcement of motor vehicle and traffic laws in the United States and Canada. This, of course, includes drunk driving laws and laws pertaining to driver licensing. I am making this statement this morning on behalf of our executive director, Donald J. Bardell.

The drinking driver problem has aptly been termed "America's greatest tragedy." We commend Senator Pell and Representative Barnes for the alcohol and impaired driver bills which they have introduced, which are pending in the Congress. They have, no doubt, helped to raise the national consciousness on this issue, but in addition we feel that they raise questions of the appropriate role for the different levels of government.

We believe that there is an urgent need for a coordinated national campaign to control the drunk driver. We feel that it must come from the States and localities with the Federal role limited to financial and technical assistance for testing, demonstrating and implementing specific measures, especially measures aimed at the chronic alcoholic and the young—that is, the under 25 years of age—drinking driver.

AAMVA favors a systems approach based on what has been termed a traffic case disposition system, encompassing the State and local officials who enact, enforce, prosecute, adjudicate, and administer alcohol laws and programs. It will be as strong as its weakest link. Furthermore, media support—on a long-term basis—is critical to provide the perception that there will be optimization of law enforcement as well as swift and sure judicial and administrative sanctions.

We also support the recommendation by 335 Senators and Representatives to President Reagan that he appoint a Presidential commission to develop a master plan to combat drunk driving. It would be a vehicle to keep the high visibility of this issue before the American public.

As an indication of growing concern, about 25 States have introduced drunk driving countermeasure bills in their 1982 legislative sessions. Comprehensive approaches focusing on the spectrum of the traffic case disposition system were passed last year in California, New York, and Maine, and similar measures are pending this year in Colorado, Florida, Maryland, Missouri, and Tennessee.

Preliminary statistics from the Maine program are quite encouraging. I have a column from our national newsletter, the AAMVA Bulletin, which has been written by the secretary of state of Maine. It is appended to our full statement which we would like to appear in the record.

Due to constantly growing interstate travel, our association feels that a records information system with interjurisdictional communications capabilities must be a major support element in an effective traffic case disposition system.

The backbone of such a system is the national driver register. Our association's policy positions call for an upgrading of the current NDR to an automated on-line mode in which telecommunications costs for upgrading, including the hardware and software between the register and a central computer in each State, should be borne by the Federal Government.

We support a recommendation in the 1980 report to Congress to convert the existing NDR from a system containing substantive data supplied by the States to a "pointer system" linking the States to an interstate communications network by means of a central computer of the NDR, to be located at the Department of Transportation.

The report to Congress also recommended conducting four State pilot demonstration programs on the pointer system. Our members have interpreted this to imply such testing and demonstrating would be carried on by States but with full Federal funding assistance.

AAMVA believes that the national driver register, in addition to being a major support element for the traffic case disposition

system, also must be an integral part of any comprehensive national program aimed at improving the competence of the driver and, particularly, the drunk driver.

Consequently, our association recommends that the subcommittee give favorable consideration to approving legislation for an NDR such as envisioned in the 1980 report to Congress on this issue.

Thank you.

Senator DANFORTH. Thank you, Mr. Brown.

Mr. McGuirk.

Mr. MCGUIRK. Good morning. My name is Jim McGuirk. I am the deputy commissioner of Motor Vehicles in New York State.

New York State has taken several steps in the last few years to deal with the drunk driver. However, these efforts were only patches on what I call a nonsystem. Recognizing this, Governor Carey, 2 years ago put together a task force on alcohol and highway safety. That task force just reported in December.

The task force recommended a total systems approach to the problem, designed to get all the components working together. By that I mean that there is nothing more frustrating to the common good than a law which pretends to solve the problem, a law, for example, enforced by police but not adjudicated by the courts—a law that is not a law.

To correct this, the task force has recommended a general deterrence system, calling for, among other things, a major intergovernmental enforcement campaign and a major public information campaign. But the keystone of these recommendations is to lift the license faster.

The present license sanctions for impaired or intoxicated drivers are not swift nor certain enough to provide an effective general deterrence to drunk driving. The Department of Motor Vehicles must await conviction in the court before effecting a license suspension or revocation. Court proceedings are often protracted, frequently the results of the defendant's efforts to retain the driving privilege.

The time elapsed between arrest and license sanction will often exceed 6 months. The present system that premises administrative license action upon conviction of the offense in criminal court, benefits the drunk driver to the detriment of the public interest.

The task force proposes a system of swift adjudication for motorists charged with driving with a blood-alcohol content in excess of .10. Five days after the arrest and charge, the motorist's license would be suspended for 90 days. If, within that 5-day period, the motorist requested a hearing on the charge, a hearing would be held within 15 days to determine whether in fact the motorist had been driving with such blood-alcohol content.

If the hearing confirmed that fact, a 90-day suspension would then be imposed. Pending the hearing, the commissioner of Motor Vehicles would temporarily suspend the driver's license pending the outcome of the hearing.

This streamlined administrative licensing procedure would remove the driver's license in 5 days rather than 6 months, enhance deterrence and enforcement on the example of swift and certain punishment and facilitate entry of offenders into educational and rehabilitative programs much sooner.

Thank you.
[The statement follows:]

STATEMENT OF JAMES F. MCGUIRK, DEPUTY COMMISSIONER, NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES

The problems relating to drunk driving have caused our nation's citizens immeasurable distress and loss. No statistical summaries of death, injury, property damage, or economic loss can capture the staggering reality of this serious social problem.

Just as the Federal government has long supported program development efforts and research initiatives, the State of New York has a long history of experimentation, program development, and research and evaluation of alcohol/highway safety efforts.

Beginning in the late 1960's, New York State developed several experimental alcohol/highway safety intervention programs, directed towards the problems and needs of convicted drinking drivers. Experience from those early programs helped set the stage for passage, in 1975, of the law establishing the New York State Alcohol and Drug Rehabilitation Program, usually called the "Drinking Driver Program". This 1975 law provided for establishment of a centrally administered, consistent alcohol/highway safety education/rehabilitation program, available on a statewide basis.

Attachment "A" summarizes the operation and administration of this significant alcohol/highway safety intervention program.

In 1980, Governor Hugh L. Carey established a task force on alcohol and highway safety. In his Executive Order, Governor Carey outlined a significant charge to State government, directing the Task Force to:

Undertake a comprehensive analysis of alcohol-related highway safety problems in New York State.

Analyze different prevention, intervention, and rehabilitation models which may effectively reduce the population of drinking drivers and alleviate other alcohol and highway safety problems.

Investigate alcohol and highway safety related problems to determine the feasibility of coordinated and/or expanded services.

Investigate funding mechanisms to assure the development and maintenance of a comprehensive coordinated state program to alleviate alcohol and highway safety problems.

Prepare reports for the Governor and legislature on the nature and extent of alcohol-related highway safety problems and the elements of a comprehensive state response.

Cooperate in the preparation of legislation to promote alcohol and highway safety.

Collective and analyze data on the impact of federal and state spending on alcohol and highway safety.

Coordinate state efforts for obtaining available federal funds for alcohol and highway safety.

Develop mechanisms to inform local government executives, legislators, police officials, judges, health care officials, and other interested parties of efforts aimed at alcohol and highway safety.

Over a period of approximately 18 months, significant effort was put forth by fifteen state agency commissioners, six state legislators, seven broad-based working committees, seventeen full-time staff members, nineteen consultants, and advisors from the public and private sector, from every part of North America representing a broad spectrum of opinion, experience, and profession.

Attachment "B" [1]*—DWI* is an executive summary of the Task Force final report, submitted to Governor Carey in October, 1981. In that report, all aspects of the DWI system in New York State are addressed. Under six generic headings, the summary outlines the framework for a "comprehensive systems approach that will raise perception of risk through public education and increased detection and apprehension; cause swift removal of the license and certain application of substantial penalties; and provide access to appropriate rehabilitation services" (p. 3).

On November 28, 1981, a significant second piece of alcohol/highway safety legislation became effective in New York State. The Special Traffic Options Program for Driving While Intoxicated (STOP-DWI) establishes for the first time a mechanism to provide resources to individual counties to allow development of locally-based alcohol/highway safety countermeasures. Under this new law, all fines collected for

[1] The attachments are in the committee files.

alcohol-related violations will be reimbursed to the county of origin for use in program development. The program model suggested by this law is complementary to the already established Drinking Driver Program. That program is a model of specific intervention, available after the fact of conviction for drinking and driving. The STOP-DWI law will provide for localities, and not state government, to develop programs of more general impact on a larger segment of the driving population. The "General Deterrence Model", which provides for certainty of apprehension, swiftness of action, and appropriate severity of punishment can be readily implemented all across New York State under this new law. *Attachment "C"*—"STOP-DWI" outlines other provisions of this new program.

Attachment "D"—the highway loss reduction Status Report from the Insurance Institute for Highway Safety outlines the principles of General Deterrence, summarized in this article by Dr. H. Laurence Ross, and identified by the Governor's Task Force as fundamental to new efforts in highway safety. This program model will most likely be implemented in many of New York State's counties, under the new STOP-DWI program.

Integral to the General Deterrence Model is a penalty structure which is appropriately severe. *Attachment "E"* summarizes the new fines/penalties imposed for alcohol-related offenses in New York State.

The reality of more stringent minimal fines occurring in a climate of surer apprehension and swifter legal/administrative action will send a clearer message to the driving public at large that driving while intoxicated in New York State will bring about serious personal consequences.

ATTACHMENT "A"

Drinking Driver Program.—September 30, 1981, marked the completion of the sixth full year of operation for the New York State Drinking Driver Program. Over 125,000 motorists have participated in the Program since October 1, 1975.

The Program offers 16 hours of classroom education and, in some cases, referral for evaluation and treatment of alcohol problems. During 1981, 26,925 motorists convicted of alcohol-related driving offenses entered the Drinking Driver Program (DDP). The majority of the participants received conditional licenses, allowing them to drive during defined, limited periods while enrolled in the DDP. An amendment to the DDP Legislation was passed in 1981, which extends conditional license driving privileges to include driving to and from court-ordered probation activities.

There are 62 DDP agents across the State who operate the DMV-approved educational/rehabilitative course and may refer participants for further treatment of alcohol-related problems if referral is deemed necessary by the agent. Through the DDP agents, including community colleges, Boards of Cooperative Educational Services (BOCES), Councils on Alcoholism and various other treatment and educational organizations, the Program is available in every county of the State with a population large enough to warrant the service.

All costs for the DDP are borne by participating motorists. Such costs include an administrative fee of $40 payable to DMV, a "tuition" fee to the agency conducting the Program ($75 to Program agents in counties with populations of less than 500,000 and $85 to those agents in counties with populations over 500,000) and, any additional costs for evaluation or treatment services.

The DDP instructors in the agencies conducting the Program are skilled educators and counselors, and the Program has become an important factor in the early identification of alcohol problems. Approximately 20 percent of the DDP participants are referred for additional alcohol treatment services. For the majority of participants, the classroom course requirement completes the motorist's obligation to the Program and makes the driver eligible for restoration of full driving privileges.

Because of an increased awareness of the use of a variety of drugs contributing to driving accidents, the Division of Safety Program Coordination is working to expand the Drinking Driver Program curriculum to include more information on the use and misuse of drugs other than alcohol and their effects on driving skills.

In addition to the personal, educational and rehabilitative benefits participants gain from the DDP, the experiences of these drivers have made it clearly known throughout the State that the likelihood of being apprehended for drunk driving offenses is great. Information taught in the DDP classroom is also being passed along by word of mouth. This process serves as a preventative mechanism by educating the general public.

NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES CONVICTION DATA

[Calendar year]

	Reckless driving	DWI	DWAI	Total DWI/AI
1974	8,622	10,388	21,182	31,570
1975 [1]	8,692	13,199	21,165	34,364
1976	5,380	15,310	20,644	35,954
1977	3,728	13,629	20,198	33,827
1978	3,140	14,478	23,214	37,692
1979	2,732	15,152	25,881	41,033
1980	2,594	15,202	27,934	43,136
1981 (Jan.–Oct.)	1,081	12,820	26,016	38,836

[1] Drinking Driver Program Initiated October 1, 1975.

NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES, DRINKING DRIVER PROGRAM REFERRAL FOR EVALUATION/TREATMENT—STATEWIDE

[Program year—October 1 thru September 30]

	1975–76	1976–77	1977–78	1978–79	1979–80	1980–81
Total enrolled	18,736	18,123	19,389	22,254	22,773	26,925
Total referred for evaluation	2,840	4,310	5,501	6,919	7,376	8,088
Percent evaluated of total enrolled	15	24	28	31	32	30
Total retained for treatment			3,915	5,063	5,059	5,913
Percent treated of total evaluated			71	73	69	73
Percent treated of total enrolled			20	23	22	22

Information reported to DMV by program agents.

Treatment information was not requested prior to the third program year.

ATTACHMENT "C"

STOP–DWI

On July 31, 1981, the New York State Legislature approved, and Governor Hugh L. Carey signed into law, the Special Traffic Options Program for Driving While Intoxicated, (STOP–DWI). The legislation became effective on November 28, 1981.

Under this law, if a county establishes this STOP–DWI program, a coordinator must be appointed and an annual plan with a proposed budget must be submitted to the Commissioner of Motor Vehicles. Upon approval of this plan, revenues are forwarded to the county treasurer, specifically designated for STOP–DWI programs.

The Office of Alcohol and Highway Safety of the Department of Motor Vehicles suggests that the County Coordinator use the "General Deterence" model as a guideline for program planning and implmentation. This means that the driving population at large should know that certain, severe, and immediate sanctions exist for drinking and driving. The strength of this legislation is based upon active enforcement and adjudication, and an informed public.

To develop county-based programs, each Coordinator is in the process of receiving information from all local public and private agencies which interact with the drunken driver. The basic plan requires the active involvement of representatives of all these components.

This program is totally user-funded. All STOP–DWI revenues are collected through fines generated by alcohol-related convictions. Motorists who are eligible for and complete mandatory programs, receive a refund of half their fine, and the county receives the other half. In all other situations, the entire fine is returned to the county.

These revenues will be used to cover all county program expenses, including: personnel, administration, fringe benefits, materials, contractual services and travel.

The Commissioner of Motor Vehicles has developed initial implementation guidelines and is in the process of reviewing preliminary plans from each county. As the program progresses, the Commissioner will monitor and evaluate all programs, oversee all aspects of each program's operation and will issue a comprehensive report to the Governor and legislative leaders in 1985.

ATTACHMENT "E"

ATTACHMENT "E"

PENALTIES

DWAI	CONVICTION	PRIOR TO 11/28/81	NEW LAW
	First DWAI Traffic Infraction	Up to $50 fine and/or up to 15 days in jail 90-day suspension of license	First Offense $250 fine and/or not more than 15 days in jail 90-day suspension of license
	Second DWAI	In 18 months, up to $100 fine and/or up to 45 days in jail 180-day suspension of license	Second Offense (in five years) $350 - $500 fine and/or not more than 30 days in jail 180-day suspension of license
	Third DWAI	In 18 months, up to $250 fine and/or up to 90 days in jail Minimum six month revocation of license	Third Offense - (Three or more in ten years) $500 - $1500 fine and/or not more than 90 days in jail Minimum six-month revocation of license

DWI	CONVICTION	CURRENT	NEW LAW
	First DWI Misdemeanor	Up to $500 fine and/or one year in jail Possible three years probation Minimum six-month revocation of license	$350 - $500 fine and/or not more than one year in jail Possible three years probation Minimum six-month revocation of license
	Second DWI within ten years Felony	Up to four years in jail Possible five years probation Minimum six-month revocation of license	Not less than $500 fine and other such penalties as provided in penal law Possible five years probation Minimum six-month revocation of license
	Two DWI Convictions within ten years involving personal injury	Lifetime Revocation	Lifetime Revocation o No unconditional discharge o Conditional discharge must be accompanied by fine

(more)

CONVICTION	CURRENT	NEW LAW
		o Where a county established a special traffic options program for driving while intoxicate all fines, penalties and forfeitures collected from violations of subdivision two of Section 511 1192 shall be paid to such county. o Participation and completion of such alcohol and drug rehabilitation program shall be considered full and adequate satisfaction of one-half of any penalty of fine and complete satisfaction of any imprisonment
511.2 Driving While Suspended/Revoked Alcohol-Related Offense Misdemeanor	Minimum $200 fine. Restore original suspension/ revocation	EFFECTIVE: 9/1/81 Mandatory imprisonment: not less than seven or more than 180 days Fine of not less than $200 or more than $500

Senator DANFORTH. Mr. Goldstein.

Mr. GOLDSTEIN. Good morning. My name is Robert M. Goldstein. I am director of Alcohol Countermeasures and Police Traffic Services, Traffic and Special Operations Division of the Metropolitan Police Department in Washington, D.C.

The use of mandatory sentencing as a deterrent to the drunk driving pandemic that exists in our Nation, though of noble intent, will be counterproductive to the agencies most involved in removing the drunk driver from the roads—the criminal justice system. By mandating sentences and sanctions, the criminal justice system would be entering a new era, one of "charge bargaining" at the prosecution and arrest phases of the DUI process.

Police officers would be hesitant to effectuate a DUI arrest, prosecutors would in essence plea bargain cases and judges would lose all discretionary options. Thus, mandatory jail sentences for the first offender DUI suspect would lead to a downtrend in DUI arrests made.

While rejecting the hypothesis of mandatory jail sentencing, alternative ideas must exist.

One, all persons arrested for drunk driving offenses would enter into an alcohol rehabilitation program and assume all its costs, thereby alleviating the use of local, State or Federal dollars in support of such programs. In essence, the rehabilitation/education costs will be absorbed by the offender-user, freeing tax dollars for increasing the drunk driving enforcement efforts.

Two, national per se law—a per se law raises the legal significance given to a BAC of 0.10 percent or more from presumptive evidence of intoxication to conclusive evidence of intoxication. The enactment of a national illegal per se law by Congress would then spearhead effective and efficient prosecution of the drunk driver by eliminating the needs of the States to establish the prima facie basis of a drunk driving arrest at the 0.10 level.

States that already have enacted per se laws are well on their way to effectively reducing State and local costs involved in the prosecution of the drunk driver.

Elimination of lengthy and costly prosecution, freeing up the court dockets so more criminal cases could be tried, and the reduction of the time officers must spend in court would make the drunk driving case process more cost efficient and expedient by getting the DUI offender into rehabilitation sooner and putting the police officer back on the street to resume his patrol for drunk driving violations. The system would them become symbiotic as opposed to being parasitic.

Three, the use of mandatory sanctions in drunk driving violations would be more appropriate in use against the DUI recidivist. Such mandatory sanctions, such as confiscation of vehicle, incarceration, community service time, et cetera, would serve notice to the subsequent action of other potential drunk drivers that repeated drunk driving violations will not be tolerated by our society.

For the past several years the District of Columbia has recorded the lowest traffic death rate among the 50 states. The District's rate of 1.6 persons killed for every 100 million miles traveled is well below the national average of 3.4.

This success has been achieved primarily through the use of limited 402 highway safety funds. The alcohol countermeasures program, led by the enforcement efforts of the Metropolitan Police Department, has spearheaded this attack upon the No. 1 killer on the highway today—the drunk driver.

Between 1970 and 1974, prior to the establishment of an alcohol countermeasures program, traffic fatalities were at an alltime high, with alcohol being a major factor in over 57 percent of all fatalities. Less then 900 drunk drivers were arrested per year, and the average blood alcohol level was an astonishing 0.31 percent at time of arrest.

With the assistance of the 402 funding, the Metropolitan Police Department was able to update its archaic programs by replacing time consuming processes such as urine testing with more modern chemical test instruments such as use of breathalyzer 1000's, auto intoximeters and roadside breath testers; by expanding the DUI enforcement unit through overtime programs; by developing new DUI arrest procedures through utilization of mobile alcohol test vans for on-the-scene alcohol breath testing, thereby significantly reducing arrest down time for officers from 6.5 hours in 1974 to less than 30 minutes in 1980 and 1981.

These funds also provided expansion of drunk driving training programs and over 100 officers a year were trained in operation of the breathalyzer. In 1979, an automated training system for refresher alcohol enforcement training of police officers was funded. This self-train computer is equipped with an inherent feature that provides for around-the-clock availability, allowing the officer to train at his most convenient and less busy time during any tour of duty, 7 days a week, 24 hours a day; 402 funds have provided for the purchase of roadside breath testers, a screening device used to determine borderline drunks rather than utilizing less scientific methods such as psychomotor tests.

A first offender DUI diversion program was established in 1979 under the administrative supervision of our corporation counsel's office. This program permits those arrested with a 0.20 or less blood-alcohol level, who have no prior convictions or are not involved in a serious accident, to be diverted from the criminal justice system after pleading guilty and then receive treatment from an established and approved alcohol counseling center at no cost to the Government.

Since implementation of these programs there are nearly 4000 persons arrested for drunk driving on a yearly basis compared with less than 900 in the early 1970's. The average blood-alcohol level has dropped from a 0.31 percent at time of arrest to 0.181. Traffic fatalities have decreased from 121 in 1970 to 46, an alltime low in 1980.

These programs are the principal reasons for making the District of Columbia the safest city in the United States to drive in. One of the things we have to realize is that law enforcement administrators have one common denominator and that is the reduction of crime in their community; and justifiably so. However, as opposed to various other criminal justice programs, highway safety, particularly the apprehension of the drunk driver, does not take a front seat in many typical, large, urban police departments; rather, high-

way safety systems have to be inborn, they have to be instilled through training, through strong leadership and salesmanship; through a tie-in between highway functions—such as the reduction of drunk driving—and an urban police function—such as the prevention of street crime—and the tie-in is the understanding of the relationship between alcohol and violent street crime. Federal highway safety programs had helped fill this gap left by many police administrators in their commitment toward crime control and the deemphasis of traffic enforcement brought about by this worthy objective. If this balance is to remain, then it is necessary that Federal funding on a cost-sharing basis, specifically earmarked for drunk-driving-enforcement efforts, continue with input from both local and Federal sources in order to make our highways the safest in the world.

In keeping with President Reagan's philosophy of cost-efficient programing, our alcohol countermeasures program and police traffic services program have been merged, forming the Office of Alcohol Countermeasures and Police Traffic Services. Alcohol Countermeasures and Police Traffic Services—that is, speed, enforcement, accident investigation, et cetera—are the two predominant functions of any urban police department's traffic division, and aggressive enforcement of these two prominent causes of fatalities and serious traffic accidents involving both alcohol and speed, will reduce the carnage on our highways and our cities' streets.

Senator DANFORTH. Thank you. One question first for Mr. Haseltine. I fully share your view about the fact that this is primarily State business. The kind of bill that was introduced yesterday, which provides really just a 1-year kicker—1-year double payment for highway traffic safety programs—is more or less just a way of saying to States, hey, think about this kind of legislation. It is not an effort to take over a function which is the State's.

Does such an approach pose a threat to state decisionmaking as far as you are concerned?

Mr. HASELTINE. No, sir; I think not, and I have not had the opportunity to read the bill in detail. In fact, I was hoping the incentive would go on forever and not be just for one year.

The modification, I guess, that we would most recommend would be to permit such an incentive to those States who in fact have a fully comprehensive program in place without the specifics of the sanctions and, to be extremely candid, Senator, you are not going to have to appropriate too much incentive money in the next few years with the vehicle confiscation clause in there.

I am not saying that is bad. As a matter of fact, I am working with our own State Senate to get such a provision in a bill that we are going to get introduced next week. If you think that my comments opposed to mandatory sanctions are met with little enthusiasm here, wait until I meet with a certain Senate judiciary chairman back home. They will be received very unenthusiastically.

Senator DANFORTH. I understand.

Mr. HASELTINE. I am not sure we are ready for that and that is my concern again. A year from now we might be able to; now we can't.

Senator DANFORTH. I understand that there are going to be people who are opposed to it, as I found back in the early 1970's.

The question really is to put the idea before the state legislatures, to focus attention on it, to provide the carrot approach rather than the stick approach and to say to groups such as those that appeared—MADD and other groups that appeared earlier this morning—look, here is an approach and if you are interested in it, there is a little carrot out there for State legislatures to carry your message to State legislatures.

But I, myself, am, as an old State attorney general, I am very concerned about the Federal Government treading where States usually have exercised their responsibility and, therefore, it was important for me in devising this not to pose something which was a threat of any kind to the States. I am pleased to hear you say that you do not view it as such.

Mr. HASELTINE. We are going to be trying all of the provisions, coincidentally, that you have included in your bill in Michigan. The next time I see you, if my suit is torn you know it didn't work. If it doesn't, we will go back after it next year.

Senator DANFORTH. Keep trying because, as I say, in the early 1970's I had a hard time trying to find somebody who would introduce the bill and now it has passed the State senate, and I think as the attention increases—and it is increasing—people are looking for things that are effective.

Now I would like to ask a question to Mr. McGuirk and Mr. Goldstein. I take it that we are in agreement with our concern about the problems of treating this as a criminal matter. It is not that we have some sort of sympathy for the person who is driving while intoxicated. To the contrary, the problem is if we want to get people off the road, drunks off the road, if you get that into the criminal process it becomes less likely rather than more likely.

And the reason for that is prosecutorial discretion. Was that your finding, Mr. McGuirk?

Mr. MCGUIRK. Yes, exactly; what we found was the criminal system exists in terms of protecting the drunk driver, so what we are calling for is in effect a two-track system—a track that would take the licensing concern away from the courts and give it to the Department of Motor Vehicles.

Senator DANFORTH. Make it an administrative problem and then if you have—I mean, it would be all right to have the mandatory criminal penalty, I suppose.

Mr. MCGUIRK. Following that.

Senator DANFORTH. But it could not be the condition precedent to license suspension.

Mr. MCGUIRK. Right.

Senator DANFORTH. Right?

Mr. MCGUIRK. If conviction in criminal proceedings took place 6 months later we would still impose whatever the court saw fit to impose on the individual.

Senator DANFORTH. The problem is getting the person off the street. You say 5 days in your proposal.

Mr. MCGUIRK. Yes.

Senator DANFORTH. That is your position also, Mr. Goldstein?

Mr. GOLDSTEIN. Yes; it is our feeling in Washington that our major concern is to identify and remove from the road the drunk driver and then place into the system the burden of administrative-

ly sanctions, be it through criminal sanctions or an administrative action.

Senator DANFORTH. I do not want the D.C. Police Department to comment on the courts, and I know you do not want to do that either.

Mr. GOLDSTEIN. No.

Senator DANFORTH. I will simply relate my understanding of the position taken by police officers in my state at the time we were considering this some time ago. That was that if it is just a criminal matter then it really does not do very much good to make the arrest because the prosecutor is going to wash it out, particularly in smaller communities where the prosecutor knows the person who is the driver—the drunk—or where the judge knows the drunk and, therefore, the police officer is going to end up spending a very great amount of time on a matter which is probably going to lead nowhere.

This is not a crook. This is the guy next door and it is probably not going to be too many days that the person is going to spend in the county jail. But if it were a matter of administrative revocation or administrative suspension, then the police officer would be getting somewhere.

I mean, he would make the arrest, administer the test. The individual would either pass the test, or fail the test, or refuse to take the test. And in the case of a refusal to take the test or in the case of failing the test, the license automatically would be forfeited, would be suspended. The individual would then have a right to go into court and challenge it, but evidence of passing the test would be a per se. That itself is the violation.

Mr. GOLDSTEIN. A couple of points I would like to bring up, Senator. One, the District has an extremely low refusal rate to take a chemical test. We average less than 25-percent refusal. The reason for that is that the District imposes upon refusal a mandatory 6-month suspension of license. Those that tend to refuse are Maryland, Virginia, and out-of-State licensees.

Second, the District is bound, under the United States Code for the drunk driving statute, and in the code as it was written then, drunk driving for first offense was punishable up to 6 months in jail with a $500 fine, making the criminal system jury demandable and extremely expensive. This is where we have a problem in our criminal justice system.

Several years ago motor vehicles in the District, upon arrest for drunk driving, would have an immediate license hearing and suspend up to 6 months a person's driving privilege in the District.

The court of appeals ruled that that was illegal, that they exceeded their authority, that they could not suspend on licensing action for an act on which the court was going to rule. We no longer suspend as a result of the arrest; we will suspend in motor vehicle action for a refusal.

We would like to see more States taking that line.

Senator DANFORTH. You mean taking the line of suspending on failing the test?

Mr. GOLDSTEIN. On mandatory we find in many, many States, if they have up to 90 days or if it's an up to 6 months, up to gives too

much leniency. What happens, it could be 60 days, 90 days, 120 days.

Senator DANFORTH. You are talking about the suspension?

Mr. GOLDSTEIN. Suspension. I think it should be definitive, across the board.

Senator DANFORTH. You think if an officer makes the stop, and administers the test, and the person flunks it there should be an automatic suspension for a fixed period of time. Yes.

All right. Thank you all very much for your testimony. Next, Vincent Tofany, Sally Kirkpatrick, and Terry Baxter. Is it Tofany?

Mr. TOFANY. Yes, it is.

Senator DANFORTH. I'm sorry. Please proceed, Mr. Tofany.

STATEMENTS OF VINCENT TOFANY, PRESIDENT, NATIONAL SAFETY COUNCIL; SALLY KIRKPATRICK, GOVERNMENT AFFAIRS REPRESENTATIVE ALLIANCE OF AMERICAN INSURERS; AND TERRY BAXTER, ASSISTANT VICE PRESIDENT OF COMMUNICATIONS GOVERNMENT EMPLOYEES INSURANCE COMPANY

Mr. TOFANY. Thank you, Mr. Chairman, and as you have now pointed out, I am Vincent Tofany, president of the National Safety Council, a nonprofit public service organization chartered by Congress to work to prevent accidents.

As has already been well pointed out, drunk driving is probably the most important public health problem facing our Nation, causing the death of some 26,000 of our citizens every year.

I would hasten to say that statistics lose their meaning, however, when they reach that scale. Its impact on the families of America have been perhaps the truest measure of the tragedy when you consider that 75 families a day, every day, are devastated by the loss of a loved one, that often those killed are the very young, the teenagers, or those in their prime.

In the last 10 years alone more than a quarter million families have suffered that nightmare and more than 6½ million families have seen a member seriously injured during the same period. And yet because these tragedies generally are one or two at a time they rarely receive the public attention—and we heard about this morning—and calls for action of more dramatic but far less frequent disasters, such as airplane crashes and others that were mentioned.

The National Safety Council supported with further recommendations the Pell-Barnes bill, S. 671 when we testified before the subcommittee in 1980 as the best available vehicle to advance the issue at that time. You, Mr. Chairman, and Senator Pell, and Congressman Barnes, and your many supporters deserve credit for the sustained leadership that that has brought forth.

On the basis of three key changes that have taken place since, and which are outlined in my full statement, the National Safety Council believes a fresh review of Federal legislation, including the Pell-Barnes bill, is in order. The goal of such efforts should be the establishment of State and local task forces by Governors and local officials, and I was pleased in Congressman Barnes' testimony to hear him allude to this this morning.

There are no magic answers to the drunk driving problem, and the task force approach has been found to be the best vehicle to

take a comprehensive, systematic review of the problem from prearrest through adjudication. It also insures, most importantly, the political support necessary to accomplish lasting change.

The national driver register is a related yet separate component of the drunk-driving solution and clearly a valid mechanism for keeping track of drivers with conviction of alcohol-related offenses. We have strongly supported efforts of Congressman Oberstar and others to maintain and strengthen the NDR.

Included in our full statement are two detailed reports. The first is the report of the Action Program Subcommittee of the Committee on Alcohol and Drugs of the National Safety Council. That committee is composed of some of the leading authorities on drunk-driving countermeasures in the country.

The report discusses current research findings on the effectiveness of specific drunk-driver countermeasures currently being employed, and I would particularly call your attention to page 1 of that report, wherein it is mentioned that it is important to recognize that DWI laws have three basic components that separately and jointly can influence their effectiveness. They are the amount and type of enforcement, the severity of the punishment, and the speed and certainty with which the punishment is administered when an offender is apprehended.

On page 3 of that same report I would call your attention to the second paragraph which specifically refers to jurisdictions with improved enforcement and high likelihood of conviction for DWI, would contrast with the current situation where only very small proportions of alcohol-impaired drivers are caught and even smaller proportions receive any penalty for the offense.

Increased numbers of apprehensions and convictions would begin to establish the necessary conditions for deterrence, that is, drivers perceiving that the chances of being caught if driving while impaired by alcohol are high and that when caught a penalty will be promptly applied.

The reports goes on and says it is not certain that these changes would be sufficient to reduce the magnitude of the problem, but the evidence is convincing that without them there is very little chance of DWI laws reducing the numbers of alcohol-related deaths and injuries.

I would further call your attention to page 4 of that report wherein there are five recommendations that are being made in terms of focusing on DWI laws.

The second attachment outlines current legislative efforts being considered in the States and in that attachment you will see that over 25 States have introduced bills this year on drunk-driving countermeasures and the legislation paints a broad spectrum of options, including increased penalties, administrative reforms, changing legal definitions of intoxication, raising the age limit of drinkers, and alternative funding options for rehabilitation programs.

Much of the impetus for reform has come from grassroots organizations, coupled with intensified media attention. It also mentions that license revocation, either automatic by the arresting officer or through administrative hearing after the arrest is also being considered and viewed more favorably as a deterrent measure.

Clearly the problem is not escaping their attention, as indicated by the volume of bills that have been introduced, spanning a broad spectrum of options.

Let me say in conclusion, Senator, if I might, that the council commends the committee for holding these hearings. Drunk driving is a problem whose scope is national but whose solution is primarily at the State and local level. It is essential that the current public attention be translated into meaningful and lasting solutions.

We therefore support incentives to States for highway-safety programs and say that tough laws at the State and local levels are not enough. There must be a total system employed which would guarantee improved enforcement, assure that all the arrests be identified on driving records, and that there be swift and certain adjudication.

We look forward to working with the committee toward this end.

Senator DANFORTH. Ms. Kirkpatrick.

Ms. KIRKPATRICK. I am Sally Kirkpatrick, government affairs representative of the Alliance of American Insurers, a major national trade association representing over 150 companies that write property and casualty insurance in all 50 States and the District of Columbia. Our member companies are vitally interested in the area of highway safety and we commend the subcommittee for focusing attention on this major unresolved national problem.

The problem of the drinking driver impacts on the American way of life in a devastating number of ways adversely affecting both society and business. Statistics reporting socioeconomic loss due to drunk driving are staggering and estimates vary widely among sources.

As you have heard others today state, alcohol is a factor in at least half of the fatal motor vehicle accidents each year. Estimates vary as to exact cost figures for alcohol-related fatalities, but $5 billion seems to be an approximate number. If the 50-percent rate for fatalities is applied to all accidents, drunk driving costs could be as high as $17 billion per year.

Using the standard 0.10 blood-alcohol content, it has been estimated that 1 out of every 50 cars coming at us on the road is "piloted" by a drunk driver. On Friday and Saturday nights this figure rises to 1 car in 10

It is easy to cite statistics. How to solve the problem, however, is more difficult because of the public's perception that the drinking driver is always the other guy. Basically, the public's perception must be changed.

Strong local enforcement programs and stiff penalties alone are not enough. They must be coupled with education and a new awareness on the part of the driving public and many of the myths concerning alcohol consumption must be refuted, perceptions such as: "It'll never happen to me"; "I can handle my liquor"; "I know when I've had enough"; and "It's the alcoholic who's the real menace on the highways, not the friendly social drinkers like me and my buddies."

Changing these unfounded but commonly held myths is difficult, since it is not the confirmed problem drinker and alcoholic alone who is the menace on the road. Presently, 46 States use a BAC

level of 0.10 percent as the level of intoxication. However, physical impairment may occur with blood levels as low as 0.04 percent—just two drinks in an hour by a 160-pound person of average build.

In recent months, there has been a flurry of activity with respect to the problem of the drinking driver. This has ranged from increased media attention, such as more detailed reports of alcohol-related accidents, editorials, and television programs to increased legislative interest at both the State and Federal level.

There are also a number of conferences being scheduled. Diane Steed spoke about the National Highway Traffic Safety Administration having a conference later this month in Detroit, and finally the President will soon establish a Presidential commission on drunk driving to identify local problems and encourage actions to resolve them.

Highway safety experts are in almost total agreement that if the death rate on our highways is to be reduced, antidrunk driving legislation and the administration of existing regulations by State and local officials must be tightened and upgraded. Unfortunately, that is about all that they seem to agree on. The problem has proven unyielding to any "quick fix" or simple solution. Deterrence programs have been tried all over the world, but none over the long run have proven successful.

The alliance has taken a number of actions over the years in support of programs to improve highway safety and combat alcohol abuse. The alliance, and other insurance interests provide support for the Insurance Institute for Highway Safety, an independent organization devoted to research in the field of highway loss reduction. The IIHS has been involved in a number of research programs concerning alcohol use and abuse.

The alliance also supports the National Committee on Uniform Traffic Laws and Ordinances. The National Committee is the custodian of the uniform vehicle code, a model act extensively used by the States to develop legislation applicable to the rules of the road.

The alliance is also helping to provide financial support for the NHTSA conference to be held later this month. The alliance and our member companies have publicized the alcohol problem, have conducted alcohol rehabilitation programs for employees, and have done extensive research in the area aimed at reducing the number of alcohol-related deaths.

The alliance supports the general concepts behind S. 671. However, we are not prepared to endorse any particular piece of legislation. The alliance believes enactment of any Federal legislation, at this time, would be premature. There is an enormous amount of activity in the alcohol area, and we believe a better approach would be to await the recommendation of the NHTSA conference and the Presidential Commission on Drunk Driving.

We hope the NHTSA conference and the Presidential commission will provide for a better appreciation of the problem, but we caution that there is no "quick fix" that will provide a simple solution to the drinking driver dilemma.

We have also been asked to express our opinion on the National Driver Register. We believe the current NDR system is of limited value due to several reasons. Several States do not participate in the program. The system is nonresponsive to requests because its

mail request and response procedures are too time-consuming and antiquated in this age of computers to be a viable means for receiving, storing, and disseminating data.

To the extent the NDR relies on State motor vehicle records, it is hampered by the inadequacy of information gathered by the States. In other words, the NDR is to a large extent dependent upon receiving information from State sources whose own records are woefully inadequate and are of questionable accuracy.

According to an All-Industry Research Advisory Council report "State Motor Vehicle Records—As a Source of Driver Performance Information" published in March 1981, State motor vehicle records are too fragmentary to be the primary or sole means of evaluating driver performance. The study suggests weaknesses and geographical inconsistencies not only in the State motor vehicle record systems but also in traffic enforcement itself. The study concluded that only 32 percent of accident information countrywide is reflected in the motor vehicle record systems.

The alliance believes the original intent behind NDR to be a worthy goal. However, we believe that until the data received by the NDR from the State motor vehicle departments is substantially upgraded that continuation of the NDR program must be questioned. Thus, we feel a necessary first step toward establishing a strong, viable NDR must begin with improving the accuracy of the State motor vehicle accident reports themselves, the compilation of those reports, and the storage, retrieval, and quick dissemination of data.

That concludes my testimony.

[The statement follows:]

STATEMENT OF SALLY ANN KIRKPATRICK, OF THE ALLIANCE OF AMERICAN INSURERS

I am Sally Ann Kirkpatrick, Government Affairs Representative of the Alliance of American Insurers, a major national trade association representing over 150 companies that write property and casualty insurance in all 50 States and the District of Columbia. The Alliance welcomes this opportunity to present our comments on federal legislation to combat drunk driving and on the National Driver Register. Our member companies are vitally interested in the area of highway safety and we commend the Subcommittee for focusing attention on this major unresolved national problem.

SCOPE OF THE PROBLEM

The problem of the drinking driver impacts on the American way of life in a devastating number of ways. Alcohol abuse has become America's No. 1 drug problem, adversely affecting both society and business. Over the years societal concern has tended to focus on the adverse impact on health and safety from uncontrolled alcohol abuse and alcoholism. Increased attention, however, is currently being focused on the drinking driver and the resulting loss of both life and dollars.

Statistics reporting socio-economic loss due to drunk driving are staggering and estimates vary widely among sources. To place the enormity of the problem in perspective, let's examine a few such statistics:

Alcohol is a factor in at least half of the fatal motor vehicle accidents each year. Therefore, alcohol is implicated in half of the 52,600 fatalities in 1980; or 26,300 motor vehicles fatalities can be attributed to alcohol.

The National Safety Council estimates that at a cost of $170,000 per fatality, the socio-economic loss due to alcohol-related motor vehicle fatalities is $4.47 billion.

The National Council on Alcoholism estimates alcohol to cost annually $1 billion in motor vehicle accidents.

The federal government estimates that $5 billion is spent each year for costs of alcohol-related motor vehicle fatalities. These costs, which include medical costs, property damages, etc., amount to $90 for every American family of four.

The National Safety Council estimates the cost of all motor vehicle accidents is $39.3 billion in wage loss, medical expense, insurance administration costs and property damage. This figure does not include indirect costs such as cost of police and fire departments, courts, indirect losses to employers of off-the-job accidents to employees, the value of cargo losses in commercial vehicles and damages awarded by the courts in excess of direct loss. If the 50 percent rate for fatalities involving the drinking driver were applied to all accidents, drunk driving costs could be as high as $17 billion, a figure often cited by Illinois Secretary of State Jim Edgar.

Using the standard .10 blood alcohol content (BAC), it has been estimated that one out of every 50 cars coming at us on the road is "piloted" by a drunk driver. On Friday and Saturday nights, that rises to one car in ten.

THE MYTH THAT THE DRUNK DRIVER "AFFECTS ONLY THE OTHER GUY"

The magnitude of the drinking driver problem is easily illustrated by staggering statistics. The problem of how to solve that problem, however, is compounded by the public's perception that the drinking driver is always the "other guy." Basically, the public's perception of what constitutes a drinking driver must be changed.

Strong local enforcement programs and stiff penalties alone are not enough. They must be coupled with education and a new awareness on the part of the driving public. Many of the myths concerning alcohol consumption and accident causality which must be refuted are:

"It'll never happen to me."

"I can handle my liquor."

"I know when I've had enough."

"I don't drink alcohol—only wine and beer."

"It's the alcoholic who's the real menace on the highways not the friendly social drinkers like me and my friends."

"Drinking relaxes me and my driving capabilities actually improve after a few drinks."

Changing these unfounded, but commonly held myths is difficult, yet research has shown it is not the confirmed problem drinker and alcoholic alone who is the menace on the road. Presently, 46 states use a BAC level of 100 mg (0.10 percent) as the level of intoxication. But, research has shown that measurable physical impairment may occur with blood levels as low as 40 mg (0.04 percent)—just two drinks in an hour by a 160 lb. person of average build.

CURRENT ACTIVITY

In recent months, there has been a flurry of activity with respect to the problem of the drinking driver. This has ranged from increased media attention, such as more detailed reports of alcohol related accidents, editorials, and television programs to increased legislative interest at both the state and federal level, to enforcement crackdowns and to the formation of a myriad of interested citizen organizations.

A substantial number of legislative proposals on the issue of drunk driving have been introduced at the state and federal levels. These bills fall into four general categories: penalty bills, blood alcohol bills (BAC), study commissions, and minimum drinking age.

Based on the Alliance's latest data, there are 20 bills dealing with penalties pending in state legislatures. These bills generally increase the penalties for DWI. (For example, a bill might provide for a substantial fine, imprisonment, license suspension or revocation on a second or subsequent DWI conviction. A few bills propose that a first offender attend an alcohol rehabilitation program.)

Also pending are 15 blood alcohol bills, and five combination BAC/penalty bills. The BAC bills fall into several areas: definition of BAC level necessary to a presumptive or *per se* finding of drunk driving; presumption of a driver's implied consent to a breath or BAC test; and use of BAC as evidence in court proceedings.

A number of states have proposed legislative study commissions to review drunk driving and minimum drinking age laws. Pennsylvania, Ohio, New York and New Jersey have proposed a four-state commission, and a proposal in North Carolina would create a commission to study the legal drinking age. As yet, the establishment of these commissions has not been authorized by the states.

Additionally, there are 45 bills pending which propose to raise the minimum drinking age. Between January, 1976, and January, 1982, 16 states raised the minimum drinking age.

Several citizens groups are organizing at the state level to press for tougher drunk driving legislation, better enforcement or other goals. A number of these organizations are represented here today.

Concurrent with these other activities, several conferences are scheduled to examine more closely the problem of the drinking driver. The National Conference of State Legislatures and the New York Senate are co-sponsoring a conference on drunk driving for legislators, legislative staff members and interested observers on March 4 and 5, 1982, in Albany, New York. Legislators and legislative staff members from 18 states have been invited to attend.

The National Highway Traffic Safety Administration (NHTSA) is similarly planning a conference on both alcohol and occupant restraints to be held March 31, April 1, and 2, 1982, in Detroit, Michigan. The NHTSA conference will explore in depth the alcohol problem and will include participants from a broad spectrum of interested parties such as the National Safety Council, the Motor Vehicle Manufacturers Association, the State of Michigan, the Alliance and other insurer groups, to name but a few.

Finally, President Reagan will soon establish a Presidential Commission on Drunk Driving to identify local problems and encourage action to resolve them.

WHAT WORKS AND DOESN'T WORK

Highway safety experts are in almost total agreement that if the death rate on our highways is to be reduced, anti-drunk driving legislation and the administration of existing regulations by state and local officials must be tightened and up-graded. Unfortunately, that is about all the experts agree on with respect to solutions to the alcohol problem. The problem has proven unyielding to any "quick fix" or simple solution. Deterrence programs have been tried all over the world, but none over the long run have proven successful.

H. Lawrence Ross, author of "Deterrence of the Drinking Driver: An International Survey," published by the Department of Transportation, conducted one of the most comprehensive studies in the alcohol field and concluded none of the deterrent approaches used by any of the 12 countries in his survey had a permanent influence on reducing deaths.

Ross found that in devising an effective deterrence program, there are actually four factors to be considered. In addition to the certainty, severity, and swiftness of the punishment, there is the public's perception of the likelihood of being apprehended to be considered. If Alcohol-impaired drivers do not preceive that they are likely to be apprehended for their offenses, even the threat of certain punishment will not stop them from driving or stop the tragedy of human suffering from crashes they cause.

ALLIANCE SUPPORT FOR PROGRAMS TO IMPROVE TRAFFIC SAFETY HAS TAKEN MANY FORMS

The Alliance has taken a number of actions over the years in support of programs to improve highway safety and combat alcohol abuse. The Alliance, and other insurance interests provide support for the Insurance Institute for Highway Safety (IIHS), an independent organization devoted to research in the field of highway loss reduction. The IIHS has been involved in a number of research programs concerning alcohol use and abuse.

The Alliance also supports the National Committee on Uniform Traffic Laws and Ordinances (NCUTLO) which has been actively involved and concerned with problems of alcohol abuse on our nation's highways. The National Committee is the custodian of the Uniform Vehicle Code, a model act extensively used by the states to develop legislation applicable to the rules of the road. The Committee is composed of government—both state and federal—officials and public representatives, including traffic engineers, highway safety officials, insurance experts and many others.

The Alliance is helping to provide financial support for the NHTSA conference to be held this spring on the alcohol problem. We believe the conference will provide an excellent forum to discuss what works and what doesn't work in the alcohol area and we welcome the opportunity to participate in this worthy effort.

Finally, the Alliance and its member companies have publicized the alcohol problem, have conducted alcohol rehabilitation programs for employees, and have done extensive research in the area aimed at reducing the number of alcohol related deaths.

SUMMARY OF ALCOHOL POSITION

The Alliance supports the general concepts behind S. 671, however, we are not prepared to endorse any particular piece of legislation. The Alliance believes enactment of any federal legislation, at this time, would be premature. There is an enormous amount of activity in the alcohol area, and we believe a better approach would be to await the recommendation of the NHTSA conference and the Presidential Commission on Drunk Driving. The Alliance hopes the NHTSA conference and the Presidential Commission will provide for a better appreciation of the problem, but we caution that there is no "quick fix" that will provide a simple solution to the drinking driver dilemma.

The Alliance believes that alcohol abuse and alcoholism are problems of national concern that warrant congressional attention such as the Subcommittee's hearings. We feel, however, that the ultimate viability of state legislation and regulation will rest with the commitment of local traffic safety officials to implement and enforce comprehensive and workable traffic safety programs and of local prosecutors to follow through on the intent of the law.

Finally, no program will be truly effective until the average citizen who drinks when he drives is convinced of the risks and consequences of his actions and that it is in his or her own best interest to sober up.

THE NATIONAL DRIVER REGISTER

The Alliance has also been asked to express our opinion on the National Driver Register (NDR).

We believe the current NDR system is of limited value due to several reasons: Several states do not participate in the program. The system is nonresponsive to requests, because its mail request and response procedures are too time consuming and antiquated in this age of computers to be a viable means for receiving, storing and disseminating data.

To the extent the NDR relies on state motor vehicle records, it is hampered by the inadequacy of information gathered by the states. In other words, the NDR is to a large extend dependent upon receiving information from state sources whose own records are woefully inadequate and of questionable accuracy.

Until there is an evenhanded treatment of all accidents and violations entered into the NDR system, it tends to discriminate unfairly against those individuals unlucky enough to be reported.

Having an inadequate NDR system provides a false sense of security to motor vehicle administrators and others who use the system.

The NDR was originally set up to provide a central listing of serious (and criminal) traffic offenders: ineligible drivers, drivers under suspension or revocation, drunk drivers, hit-and-run drivers, and etc. It also sought to list the holding of multiple licenses from different states.

We believe the original intent behind creation of the NDR to be a worthy goal. Unfortunately, any system is limited by the data fed into the system, and the NDR can provide no better information than that compiled by the states.

According to an All-Industry Research Advisory Council (AIRAC)[1] report "State Motor Vehicle Records—As A Source of Driver Performance Information" published in March of 1981, state motor vehicle records are too fragmentary to be the primary or sole means of evaluating driver performance. The study suggests weaknesses and geographical inconsistencies not only in the state motor vehicle record (MVR) systems, but also in traffic enforcement itself. The study concluded that only 32 percent of accident information countrywide is reflected in the MVR systems.

The Alliance believes that until the data received by the NDR from the state motor vehicle departments is substantially up-graded that continuation of the NDR program must be questioned. Thus, we feel a necessary first step toward establishing a strong, viable NDR must begin with improving the accuracy of the state motor vehicle accident reports themselves, the compilation of the reports, and the storage, retrieval and quick dissemination of data.

CONCLUSION

The Alliance supports the general concepts behind S. 671, but firmly believes enactment of any federal legislation at this time would be premature. A better ap-

[1] AIRAC was formed by the property-casualty insurance industry to provide the public and the industry with timely, reliable research information relevant to public policy issues affecting risk and insurance.

proach, we believe, would be to wait until the NHTSA alcohol conference in March/April and the Presidential Commission on Drunk Driving have concluded their evaluations of the ream of information available before seriously considering any federal legislation.

As for the National Driver Register, the Alliance believes the present National Driver Register to be of limited usefulness due to the quality of data fed into the system and the systems inefficiency. Until the quality of data received from state motor vehicle record systems is up-graded, we feel the National Driver Register has at best, an uncertain future.

Senator DANFORTH. Thank you. Can you repeat that a little faster?

Ms. KIRKPATRICK. When I was in law school I was in moot court and the judge said he had never heard anyone go that fast and two of the professors said I was only going at half speed.

Senator DANFORTH. You would be terrible in a filibuster.

Mr. Baxter.

Mr. BAXTER. My name is Terry Baxter. I am with the Government Employees Insurance Co. [GEICO]. Thank you for the opportunity to testify today.

I will dispense with the discussion of the problem. We have all heard the appalling statistics. We believe the Barnes-Pell bill is a major step in the right direction to correct this problem, together with measures such as those mentioned today that you have introduced in your bill, which would improve States administrative procedures so that any driver registering a 0.10 blood alcohol concentration or above would face immediate and certain minimum license suspension regardless of the subsequent disposition of his case.

That satisfies one of two vital conditions necessary for deterrence—the speed and certainty of punishment. The other vital condition still needs attention—the level and amount of enforcement. I believe a key part of the overall solution is to provide increased funding to local enforcement efforts.

There are several other activities which I believe are important parts of the solution. First, local community task forces like the one in Montgomery County, Md., are serving an important function—fostering public awareness, education and heightened local enforcement. Most important, a task force serves as a focal point to bring together all elements of the community's system for dealing with DWI offenders, and gets them exchanging information.

The extent to which this was not taking place on its own surprised all of us participating in these task forces. An effective Federal program to combat drunk driving should include guidance and encouragement for State and local task force groups in every community.

Second, a significant role exists for the private sector. Business has several key audiences, among them shareholders, employees, and customers. As a concerned corporate citizen of our community, we have an obligation to our public.

For instance, at GEICO we have instituted the LIFT program—an acronym for "Leave in a Free Taxi". We invite any GEICO employee, wherever they are, to call a cab at company expense if they themselves feel they cannot drive safely or if they see someone else who should not be driving because of overindulgence. Employees are promptly reimbursed with no questions asked. We announced

this program before Thanksgiving and will carry it year-round. It does more than simply remove a few drunks from the road. It dramatically communicates a philosophy to our entire GEICO family.

It has changed some attitudes about excessive drinking at company-sponsored events and even carried over into social occasions where more than one employee has told me they have reexamined their responsibility as a host or hostess.

GEICO has other safety programs relating to infant restraints and seatbelts, and I don't believe any discussion of drunk driving would be complete without observing that many of the deaths and serious injuries resulting from drunk drivers could be avoided if passive restraints—which the insurance industry favors—and/or child restraints and seatbelts were mandated or effectively promoted. I believe the corporate sector has an important role to play in this regard also.

We have arrived at an important point. Public opinion has crystalized. Communities are concerned. Business is concerned. As evidenced by these hearings today, Government is concerned. Drinking and driving is becoming socially unacceptable. Through the efforts of Congressman Barnes, Senator Pell, Senator Danforth, it is becoming legally unacceptable.

With local citizens groups and businesses working to streamline the community's response, I believe we have the opportunity to make a difference. Thank you.

[The statement follows:]

STATEMENT OF TERRY L. BAXTER, ASSISTANT VICE PRESIDENT, GOVERNMENT EMPLOYEES INSURANCE COMPANY

Mr. Chairman and Members of the Subcommittee: I am pleased and honored to appear before you this morning to address the problem of drinking and driving. I should point out that I am appearing to day NOT as an authority on the problem of drunk driving, but as a representative of a concerned corporation which believes that progress in traffic safety issues requires the coordinated efforts of individuals, community groups, the business community, and all levels of government.

I do not believe it will be necessary for me to establish the magnitude of the drunk driving problem. I am certain that you are all aware of the appalling statistics. But I think it is important to remind ourselves that the grim toll of drunk drivers is more than a personal tragedy for the victims and their families, it is a human tragedy for our communities across this country, and it is an economic tragedy for all of us who pay for medical facilities, automobile insurance, social services, or the many other related costs. The vocal and growing concern of citizens everywhere is ample evidence, I think, that the public is willing to take more responsibility in order to rid the roads of drunk drivers, and they are demanding that those of us in a leadership position take action to support their efforts.

Until now, one of the key barriers to solving the drunk driving problem has been the public's willingness to tolerate drunk drivers. In an atmosphere of public apathy, the system's response has been lax—even where good laws exist. By the time a typical offender arrives in court, he appears to be a normal law-abiding citizen who temporarily overindulged. Even when there is evidence of a continuing alcohol problem, rehabilitation seems in order rather than harsh sanctions. With judges reluctant to impose stiff penalties, plea bargaining, probation before judgement, and rehabilitation programs in lieu of conviction have become common results. With no conviction, there is no record to determine who is a repeat offender.

The new tide of public sentiment against drunk driving is beginning to reverse this historical tolerance and the system is beginning to react, a very favorable development. If a danger exists in this new activism, it is that victim organizations tend to focus too much on severity of punishment as an answer to the DWI problem. The danger is that severe penalties bring about resistance: legal maneuvering, plea bargaining, requests for jury trials, and reluctance on the part of police, judges and prosecutors to press for conviction. The irony is that "tougher" laws designed to

deter drunk drivers may actually have the effect of lowering the conviction rate. In my view, the key elements that contribute to effective deterrence are the amount and type of enforcement, and the speed and certainty with which punishment is administered.

Senator Pell's bill is a major step in the right direction. Intelligent implementation would encourage states to improve their administrative procedures so that any driver registering a .10 blood-alcohol concentration or above would face an immediate and certain minimum license suspension regardless of the subsequent disposition of his case. That satisfies one of the two vital conditions necessary for deterrence I mentioned earlier—the speed and certainty of punishment. The other still needs attention—the amount of enforcement. I believe a key part of the overall solution is to provide increased funding for local enforcement efforts.

There are several other activities which I believe are important parts of the solution.

First, local community Task Forces like the one in Montgomery County are serving an important function—fostering public awareness, education, and heightened local enforcement. Most important, a task force serves as a focal point to bring together all elements of the community's system for dealing with DWI offenders, and gets them exchanging information. The extent to which this was NOT taking place on its own surprised all of us participating. An effective federal program to combat drunk driving should include guidance and encouragement for state and local task force groups in every community.

Secondly, a significant role exists for the private sector. Business has several key audiences, among them shareholders, employees, and customers. As a concerned corporate citizen of our community, we have an obligation to our public. For instance, at GEICO we have instituted the LIFT program—an acronym for "Leave in a Free Taxi"—we invite any GEICO employee, wherever they are, to call a cab at company expense if they see someone who should not be driving because of overindulgence, or if they themselves feel they can not drive safely. Employees are promptly reimbursed with no questions asked. We announced this program before Thanksgiving and will carry it year-round. It does more than simply remove a few drunks from the road; it dramatically communicates a philosophy to our entire GEICO family. It has changed some attitudes about excessive drinking at company sponsored events and even carried over into social occasions where more than one employee has told me they have reexamined their responsibility as a host or hostess. GEICO has other safety programs relating to infant restraints and seatbelts, and I don't believe any discussion of drunk driving would be complete without observing that many of the deaths and serious injuries resulting from drunk drivers could be avoided if passive restraints—which the insurance industry favors—and/or child restraints and seatbelts were mandated or effectively promoted. I believe the corporate sector has an important role to play in this regard also.

We have arrived at an important point. Public opinion has crystallized. Communities are concerned. Business is concerned. And, as demonstrated by hearings such as today's, government is concerned.

Drinking and driving is becoming socially unacceptable. Through the efforts of Congressman Barnes and Senator Pell, it is becoming legally unacceptable. With local citizen groups and business working to streamline the community's response, I believe we have an opportunity to make a difference.

Thank you for inviting me.

Senator DANFORTH. Thank you very much. Ms. Kirkpatrick, some of the facts that you gave us were just remarkable and I think bear underscoring.

You said that the cost to the economy is $17 billion.

Ms. KIRKPATRICK. We think it could go as high. It is difficult to assess exactly what percentage of all the accidents are the result of alcohol or have alcohol as a component part. When you see the figure $5 billion, that is alcohol related to fatalities. The National Safety Council has used a $39.3 billion figure to reflect the cost of all accidents.

We think if you take the 50-percent rate that applies to fatalities and then apply it to the $39.3 billion figure you would end up with a figure somewhere around $17 billion.

Senator DANFORTH. Now what do those costs include? Does that include the cost to Government—the medicare, medicaid, disability insurance?

Ms. KIRKPATRICK. I am not sure exactly what. I think it is more insurance.

Mr. TOFANY. Senator, since she is citing our statistics I can tell you what it does include. It includes wage loss, medical expenses, insurance, administration cost, and property damage. It does not include the cost of public agencies such as police, fire departments, courts, and direct losses to employers from off-the-job accidents to employees, the value of cargo, losses, damages, indirect losses, fires, and so forth.

So that our number of $39.3 billion from traffic accidents includes those elements only.

Senator DANFORTH. All right. And then another statistic that you gave was that at any given time you said 1 automobile out of every 50 is being driven by somebody who is drunk. Is that right?

Ms. KIRKPATRICK. That's right, and on Friday and Saturday night we have been told the figure rises to 1 car in 10.

Senator DANFORTH. One car in ten on Friday and Saturday nights, but 1 in 50 during ordinary—for example, right now? If I were to drive from here to downtown Washington and see, say, 1,000 cars, in the process 1 out of 50——

Ms. KIRKPATRICK. Would be piloted by a drunk driver.

Senator DANFORTH. I would see about 20 cars that would be driven by drunks.

Ms. KIRKPATRICK. Yes.

Senator DANFORTH. That is absolutely amazing. By "drunk" you mean alcohol levels of 1.0?

Ms. KIRKPATRICK. 0.10.

Senator DANFORTH. 0.10. That's remarkable.

Let me just say I think that you are too pessimistic about what can be done with legislation. My view is this, that this is not a matter which is suddenly upon us, although I think public interest is increasing. But rather, it is a matter that a lot of people have given a lot of thought to for a very long period of time.

Witness the situation in Michigan where they had a Governor's task force that made a study over a long period of time, came out with recommendations as to what to do. I am sure that there are a number of different possibilities, but it just seems to me to be beyond the point of refutation, beyond the point of study, that one—at least one—of the key factors, one of the key problems is that there is no necessary relationship between a police officer stopping a driver who is drunk and getting that person off the road.

That is, in point of fact, I wonder if anybody has the statistics on that—the ratio between arrests or stopping people, just stop, and actual revocation or suspension. I bet you it is very long odds. Would that be fair to say?

Mr. TOFANY. Sure.

Senator DANFORTH. And so it would just seem to me that a procedure which would tend to make that automatic and nondiscretionary would obviously, just beyond debate, help the situation.

Ms. KIRKPATRICK. I don't think we are necessarily pessimistic. I think we believe there have been numerous studies done and that right now there are just all these different studies and research grants and everything that has been floating around all over the country, and what we need is like the NHTSA conference or the President's commission to kind of take all of that information and compile it in one data base, sift through it and see what actually works.

Senator DANFORTH. We had hearings on seatbelts yesterday—I'm sorry, airbags yesterday, and again it was well, we really need to study this matter further. I have just heard that so much. I mean, I believe that in the area of traffic accidents—traffic injuries, fatalities—where we now have some 52,000 traffic fatalities a year going up to 70,000 that this truly is an area where legislation can help or governmental action can help.

And in point of fact we honestly know what kind of action should be taken. I mean, really, we know. We know that the airbag will stop death and injury and we know that getting drunks off the road will stop death and injury. We know that.

Therefore, the question is. All right, knowing that what are we going to do about it? And I would just think—I mean, I know, I am sure that there are many ideas and we have heard a lot of good ideas today, and I am sure that some are very good and some are maybe not so good—I do not know—but that it is clear that we need to get this matter out of prolonged litigation and prosecutorial discretion and into administrative resolution which is swift, automatic. Take the guy's license from him—just take his license from him and then if he drives after the license is taken from him, if he does not need a license in effect to make his own decision to drive the car, then take the car.

And it just seems to me that that kind of administrative approach obviously is going to reduce the number of deaths and that the time has come to get on with it.

Mr. TOFANY. We agree.

Senator DANFORTH. Do you agree with that?

Ms. KIRKPATRICK. We agree. We would like to do anything we can to get the drunk off the highway but we have not taken a look at your bill yet, so I don't know what is in that.

Senator DANFORTH. OK. Apparently it is very much the same as what they have done in Minnesota and very much the same as what the recommendation is in Michigan and, I think, very much the same as the Missouri Senate, as has just passed.

So it has been floating around. A lot of people thought that it was an odd idea back in the early 1970's, but I think that it is floating around now and I know some State legislators who are going to say, "Gee, we don't like that. We don't like selling somebody's car out from under them." But what do we want? I mean, do we just want mayhem and slaughter?

My guess is, if you really put it to the American people, they would say, get these guys off the road—just get them off. So I would hope we can proceed with this and do it with reasonable speed.

Mr. TOFANY. I would urge in that respect, Mr. Chairman, that you attempt to get your subcommittee or your legislation process moving in time for the first Senate budget resolution.

Senator DANFORTH. Thank you very much.

Ms. KIRKPATRICK. Mr. Chairman, I would also like to make available, if you would be interested, we have a computer bank in our home office and we maintain files on all of the State legislation that is introduced and all the study commissions, and if you would like that we can make those computer files available.

Senator DANFORTH. Good. Thank you very much.

The record will be kept open for an additional 2 weeks for any additional comments.

[Whereupon, at 12:24 p.m., the subcommittee adjourned.]

ADDITIONAL ARTICLES, LETTERS, AND STATEMENTS

Statement of Hon. Paul S. Sarbanes, U.S. Senator From Maryland

Mr. Chairman, I commend you for holding hearings in the Surface Transportation Subcommittee on legislation which I consider to be among the most important before the 97th Congress. The appalling statistics on drunk driving, a nationwide tragedy, require us to move on legislation to establish a strong national deterrent, including mandatory punishment. Mr. Chairman, I represent a state which is often cited for its highway safety and drunk-driving programs, an effort which has resulted in increased arrests of drunk drivers and reduced traffic fatalities in Maryland. However, throughout the country, the carnage from drunk driving continues.

I have sponsored S. 671, requiring all the states to establish a comprehensive alcohol-traffice safety program as part of their highway safety programs. I also joined many of our colleagues in urging the President to take a firm leadership role in finding solutions to the problems of drunk driving. These are essential steps in curbing the tragic suffering caused by the drinking driver epidemic.

It is important to bear in mind the extent of the horrendous damage done by drivers who are intoxicated. The National Highway Traffic Safety Administration and the National Safety Council agree that drunk driving is the largest cause of violent death in this country, causing 26,000 deaths and 750,000 injuries annually. Property and personal injuries result in over $5 billion in damages and untold human suffering.

Although Maryland and some other states are doing an admirable job with the resources available to them to combat drunk driving, we still need to give law enforcement personnel the tools they need to attack this problem on a national scale. Minimum sentencing, better recordkeeping, uniform procedures for license suspension and revocation, and a national requirement that persons convicted of drunk driving participate in traffic safety or alcohol treatment programs are some of those tools. S. 671 would establish these minimum standards, as well as provide that convicted drunk drivers serve at least ten days of community service as an alternative to jail on a first offense. People convicted of drunk driving twice in five years would be sentenced to a mandatory minimum sentence of ten days in jail.

In addition to requiring all convicted offenders to attend a traffic or alcohol safety program, all offenders would have their operator's licenses suspended or revoked, except that first-time offenders could, if needed for work-related purposes, obtain a "daytime only" license for essential driving. The bill would also encourage the establishment of recordkeeping systems which would help police and judges and motor vehicles administrators identify habitual offenders who are arrested repeatedly in different jurisdictions.

Mr. Chairman, it is time to establish a strong national deterrent to drunk driving, and I urge you to report this legislation to the Senate. We must seriously attack this problem which is truly national in scope.

Statement of Hon. Howell Heflin, U.S. Senator From Alabama

Mr. Chairman, I am pleased to join with you today in welcoming our distinguished witnesses and guests to this important hearing on how to fight the serious problem of drunk driving.

There is no question that drunk driving is America's number one highway safety hazard today. According to the National Highway Traffic Safety Administration and the National Safety Council, nearly 26,000 citizens are killed in drunk driving accidents every year. The numbers are far greater for those who have been injured and crippled in alcohol-related accidents. For Americans up to age 35, the number one cause of death is motor vehicle accidents, and more than half of those highway deaths are caused by drunk drivers.

In my home State of Alabama, the Department of Forensic Sciences' statistics indicate that out of a total number of 944 traffic fatalities in the State last year, an estimated 569 people died in alcohol-related traffic accidents. These deaths were

needless and heartbreaking for the families involved for we are not dealing with mere numbers and statistics, but human beings who have been victimized by these senseless killings.

The need for this hearing stems from the need to focus public attention on the problem of drunk driving. To begin with, there is a lack of uniformity between existing State laws. Some states have enacted very strict laws against drunk driving while others, in comparison, are far more lax. And because serious penalties are not always invoked, convicted drunk drivers will often receive suspended or deferred sentences from the Court. This is the second tragedy of our fight against drinking and driving. In many cases, after an individual has been convicted of drunk driving, he or she will receive a nominal or suspended sentence—a punishment not severe enough to prevent him from committing the same act again.

But, the nation as a whole is beginning to realize the seriousness of this national problem. Recently, I cosigned a letter, with a number of my colleagues, to President Reagan urging him to create a Presidential Commission on Drunk Driving. This Commission would be respsonsible for conducting an in-depth study and evaluation of this problem and making recommendations to the President and Congress as to what steps can and must be taken in order to curb drunk driving. The President has instructed the Secretary of Transportation, Drew Lewis, to begin putting together such a Commission. This kind of effort is a first step toward making the problem of drunk driving a national priority.

Nonetheless, drunk driving remains a problem best dealt with at the state and local level. Arrested drunk drivers must be brought to conviction and punished. As a motivating force, the Federal Government can encourage State and Local governments to expand and improve enforcement against drunk drivers, and at the same time, establish a strong national deterrent through strict and significant punishment when an arrest has been made.

I am very hopeful that through this hearing we can find improved and effective measures to end these needless deaths and declare severe consequences for those who continue to abuse a privilege they must share with others.

Thank you, Mr. Chairman.

STATEMENT OF HON. ALAN J. DIXON, U.S. SENATOR FROM ILLINOIS

Mr. Chairman and members of the Committee: This statement is being submitted to the Senate Subcommittee on Surface Transportation because of my support for continuance and improvement of the National Driver Register (NDR) service. This support derives directly from my experience as Illinois Secretary of State. In our State, this office has the responsibility of administering the driver licensing function.

As a result of my personal knowledge of the value of the NDR service, I have agreed to be a cosponsor of S. 672, along with a number of my distinguished colleagues who likewise recognize the importance of this undertaking.

Briefly stated, the National Driver Register is the key to a nation-wide approach to driver safety. The aim of the program is to keep the bad driver off the highway. The program is not perfect, but it works. States are increasingly prohibiting unsafe drivers from operating vehicles.

The NDR system prevents an Illinois driver with a poor safety record from moving to another state and ending up with a different driver's license when in fact he shouldn't be operating a vehicle at all.

Without NDR our Nation will suffer a major setback in protecting our citizens from property damage, injury and death on our highways. With NDR, we can reduce accidents and save lives.

This system allows each participating jurisdiction to be aware of actions by other participating jurisdictions to withdraw, suspend, revoke, cancel and reinstate an individual's driver's license.

Obviously, this is the type of service that can be provided only from a centralized location. Even though our separate states license drivers, this special project related to highway safety appears to be one that can best be managed at the federal level.

Without an NDR type of operation, state administrators will be faced with a difficult situation. To be reasonably certain that license applicants are not suspended or revoked or otherwise ineligible to be licensed, each state would have to contact all other states each time it issues a license. The impracticality of this procedure is obvious. It simply won't be done.

NDR was created originally for this very reason: to serve as a central point of information where one inquiry can be made to determine where in the United States an individual had an adverse driving record.

In the absence of NDR, the alternative will be to accept the applicant's word when the license application form is completed. The majority of our citizens will tell the truth. But those who have something to hide may not. These latter drivers will be the ones who pose a threat to the lives and property of all of us.

What, in effect, would happen is that these bad drivers would simply abandon a prior adverse record and start over again in another state with an apparently clean slate.

All of us who are concerned with highway safety must dedicate ourselves to taking the poor risk driver off the highways of our Nation. In terms of the well-being of our fellow citizens, we can do nothing less. For this reason and based on my experience as Illinois Secretary of State, I reiterate my support for National Driver Register.

STATEMENT OF THE REV. DAVID A. WORKS

My name is David A. Works. I am an Episcopal clergyman and president of the North Conway Institute, Boston, Massachusetts. I am also serving as Vice Chairman of the Task Force on Alcohol Abuse and Highway Safety created by the Governor of Massachusetts in January 1982.

The views that I express are personal, and are motivated by over thirty years' experience in the field of alcohol and alcohol abuse.

Among the problems with which the North Conway Institute has been concerned for many years is the misuse of alcohol and highway safety. It can be said that the greatest unguided missile of all time is the drunk driver.

Our first public emphasis on drunk driving dates from 1956 when a statewide conference was called in New Hampshire.

During the 1960s, NCI worked closely with major insurance companies and with the National Safety Council in Chicago.

In the 1970s, Secretary of Transportation John A. Volpe requested our organization to conduct a five-state survey on drunk driving and possible solutions to the problem through the Alcohol Safety Action Projects.

I bring these historic facts to your attention simply to demonstrate our concern with alcohol and highway safety is of long standing.

The sudden explosion of interest in this subject comes as no surprise to me. It is obvious that we must come to grips with the causes of drunk driving, and strive to reach agreement on solutions or at least a significant reduction in the frequency of the irresponsible use of beverage alcohol and its relationship to the operation of motor vehicles.

As a clergyman I see a spiritual need to deal with irresponsible behavior of all kinds. In the case of drunk driving, there are several types of violators. They are: (NOTE: It is important to remember that the alcoholic and the problem drinker can be healed, restored, and forgiven as they resume a normal place in society. One of the difficulties of the recent hysteria that is sweeping our country regarding alcohol abuse and the drunk driver is putting everyone in the same category, with special emphasis upon placing the person in a jail or a penitentiary for a long stretch of time. The mandatory jail sentence does not take into account the fact that many people do overcome their addiction and become responsible citizens.)

1. The Alcoholic. Today we have a clear profile of the different types of alcoholic personalities. It is estimated that there are approximately 5½ million of these people in America.

They are people who have a disease, a primary progressive, chronic and terminal disease clinically described as "alcoholism." These same 5½ million are also drivers for the most part and are hazards to highway safety. In short, even though they have a disease, if they are drinking they are a menace when driving.

2. The Problem Drinker. There are millions of people who drive on our highways, as well as walk on our city streets and country roads as pedestrians (they can be found in legion in the urban setting and suburban environment), who have deep physical and/or social problems which, combined with too much alcohol and/or other forms of drug abuse, cause incredible problems, especially when operating a motor vehicle.

Many of these people are referred by the courts to Alcoholics Anonymous and other forms of treatment that often prove to be ineffective because they are dealing with the basic alcoholic personality.

It is clear that punishment of these types of drivers is not sufficient to correct his or her behavior. It is incumbent upon us to assure that such individuals have access to proper treatment. If the driver is a problem drinker or an alcoholic, treatment to correct the condition is the only way by which that individual may adopt responsible behavior.

3. The Social Drinker who occasionally misuses alcohol. This type of person cannot be described as an alcoholic or possibly as a problem drinker in the normal definition of those terms. This type can be described as "careless" or, perhaps, ignorant of the effects of alcohol when taken beyond specified limitations. To strike at the problem caused by this kind of driver, it is mandatory that a well-designed program of public education be implemented.

4. The Youthful Drinker and Driver. Here, of course, we have two problems. The youth is inexperienced in the use of alcohol and often equally inexperienced in the driving of an automobile.

In my years of experience in the field, and as a clergyman, I am forced to accept the fact that very often proper values have not been instilled in the minds of these young people. Frequently, proper parental examples are not being set. It is also clear that the uncertainties of life today and the unfortunate pervasiveness of fear contribute to the attitudes of youth. The manner in which accidents involving young drivers occur leaves the distinct impression that these drivers have a devil-may-care attitude about life. And this brings us face to face with spiritual need.

Whatever we can do as members of the religious community, or whatever can properly be done by representatives of Government, to strengthen the family and build healthful attitudes among our young people, must be done.

5. The Suicide. Years ago the police in New Hampshire were confronted with a tragic kind of drunk driver. Following some years of questioning, the diagnosis was that this person was a suicide. This type was usually a male who, after imbibing a great deal of beverage alcohol, and, often, other forms of drugs, would climb into his automobile and drive down a road at a tremendous rate of speed, killing himself by hitting another vehicle, a tree, a bridge or some other abutment.

6. The Hell Raiser. Sometimes people go out for an evening and drink with one purpose in mind: to have a good time. This type of person is not an alchololic, not a problem drinker, is not a teenager, is not a suicide, and is not a double-addicted individual who has combined beverage alcohol with a large dosage of prescription drugs.

7. The Drug Abuser. Very little is known about this type of individual who is more and more operating motor vehicles under the influence of other drugs rather than alcohol.

Jean Paul Smith, Ph.D., of the National Institute on Drug Abuse has just completed a major study on this kind of individual in connection with highway safety. This work should be obtained by the committee and added to the record.

In the final analysis, we should be ever mindful of the virtue of sobriety. It is an historic fact that many individuals abstain from the use of beverage alcohol. This may stem from the religious conviction that one may better carry out the work of the Lord by a life of abstinence. Other religious traditions include alcohol as a part of ritual ceremonies and consume in moderation with the conviction that their service to the Lord may be performed by a life of moderate behavior. In all cases, however, there can be no disagreement that sobriety must be the way of a well-adjusted life; and nowhere is this more dramatically apparent than in the field of highway safety.

All of us agree that many tragedies occurring on our highways are due to the misuse of beverage alcohol. Emotionally we may conclude that there is only one answer and that is a simple one: quick, certain, and harsh punishmnet. While this cry for punishment is understandable, let us also observe that penalties alone are not sufficient.

We need:

Adequate treatment for those requiring it;

Public education for those who are careless or ignorant;

To re-emphasize to our young people that there are values in life that must take priority over others.

The year 1983 will see the 50th anniversary of the repeal of the Eighteenth Amendment. The Twenty-first Amendment not only admitted that the matter of the misuse of beverage alcohol in our society could not be handled on a national level, but that legal and social controls must also be fundamentally legislated on a state, county, and local level.

During the fifty years since repeal, we have not done very well as a nation in coming to grips with people's problems with alcohol and traffic safety. We, as a reli-

gious community of 126,000,000 Roman Catholics, Protestants, Anglicans, Orthodox, and Jews, could be a tremendous asset in overcoming the present situation relating to the combination of alcohol and the operation of high-speed motor vehicles.

In the past two months, the Massachusetts Governor's Task Force on Alcohol Abuse and Highway Safety has held a series of open hearings throughout the state. As Vice Chairman of this Task Force, I have been deeply impressed with the stories of the Ever Present Fear.

Statistics, statistics, data, information, facts, facts—the complete story remains untold. The alcohol-impaired person behond the wheel is a social threat for every loved one—wife, husband, child, relative, friend, neighbor. Parents and their teenage children, a daughter out with her date, a son driving with his girl friend, the gang out together coming home from the game—at all times the threat is there. For senior citizens, aging parents, those living alone who drive to the store, those returning from a late meeting—the threat is there.

What is the human cost of the Ever Present Fear? Not talked about, unexpressed, hidden inside—yet always there when someone you love is on the road. Under existing social circumstances, there is no escape from that nagging fear.

STATEMENT OF THELMA BRIDGEWATER

My name is Thelma Bridgewater. My Daughter, Jody, 23 years old, was killed by a drunk driver by May 5, 1977 in Houston, Texas. This was Mother's Day weekend. She was on her way home to her apartment from her new home she and her Husband had just purchased. About 10:30 PM she had stopped for a red traffic signal at the intersection of a 6-lane divided street. Her car was hit from the rear by a drunk driver in a recreational vehicle traveling at a speed estimated to be about 60 MPH. Jody's shoulder harness, headrest and seat belt failed to prevent her death from a broken neck. An eye witness at the scene noted that the offending driver never slowed down or attempted to stop prior to the impact. The driver left the scene of the accident, but was apprehended by the police who arrested him and brought him back. By his own admission at the scene, and later in his deposition, he remembered nothing of the accident. He had passed out at the wheel. He admitted to having about 12 drinks that evening, with nothing to eat since noon. He had a "roadie" with him when the accident occurred. The police were very thorough in processing this case and remained with us at the Hospital until our Daughter died. The driver was charged with manslaughter, D.W.I., and leaving the scene of the accident. Even though the police did their part to bring this criminal to justice, the man was free on a $2000 bond within 2 hours following his arrest.

The defendant was granted five continuances which resulted in approximately a one year delay in bringing this case to trial. These continuances were granted on extremely short notice, causing interested parties to have to appear in court each time. When the "trial" was finally held, it lasted only a few minutes. All charges were rolled into one via-the plea-bargaining process. The defendant was found guilty. The Assistant Prosecuting Attorney assigned to this case recommended a fine of $2000 and 5 years probation. At the request of the defendant's Attorney, the Judge waived the fine and put the defendant on 5 years probation. No trial, per se, ever occurred. The Judge reprimanded the defendant for misbehaving and then released him.

Our son diligently attended court each time this case was scheduled to be tried. He was present on the day the case finally came before the Judge. Because of our son's shock at this travesty of justice, he directed some comments to the defendant. Later that same day, my Husband and my Son made a 3-way call to the Judge to discuss the Judge's verdict. The Judge made it very clear he did not have to answer to anyone for his decision, and also that if he had known the comments made in court were from a member of the victim's family, he would have cited him for contempt of court and perhaps even put him in jail to "cool off". It was most apparent the Judge considered our Son's behavior to be a far more serious crime than the murder of our Daughter by a drunk.

A few weeks later the man who killed our Daughter was allowed to leave the state. Soon this man will no longer be on probation. We do not know if he ever violated his probation because he lives in another state and we have been unable to learn anything about his behavior since the crime. His driver's license was not revoked, so he has been free to drive and kill again. This killer did not serve a day in jail or pay even one dollar for his crime. However, my family and I are still serving a life sentence for HIS crime.

STATEMENT OF THE NATIONAL ASSOCIATION OF INDEPENDENT INSURERS

The National Association of Independent Insurers, an insurance trade association of more than 500 property and casualty insurers which write nearly half of the nation's automobile insurance, is pleased to submit this statement on legislation under consideration to combat drunk driving. NAII strongly supports parts of the legislative package (S. 2158 & S. 2159) which was recently introduced by Sen. Danforth, particularly those provisions which would provide for an improved driver register system to assist states in screening new license applicants.

At the hearings held March 3, 1982, the subcommittee heard a variety of witnesses describe the seriousness of the drunk driver problem in the country and the staggering costs to society of traffic accidents which are caused by drunk drivers. The problem is compounded, of course, by the fact that often law enforcement is lax, the criminal justice system too lenient and rehabilitation programs scarce. Further, only a small percentage of those who drink to excess and drive are ever caught and prosecuted, and even fewer are convicted. Finally, society's toleration of drunk driving makes it even more difficult to combat. We are encouraged, however, by the recent efforts of legislators, concerned citizens and business groups to change these attitudes and promote positive programs to deter drunk driving.

NAII and its member companies are very concerned about the drunk driver problem. Because of our concern, we produced a film to show to school children on the dangers of driving while impaired by either drugs and/or alcohol. We are also concerned by the latest research, which shows that the old laws and methods of dealing with the problem have not been effective in reducing alcohol-related accidents. For this reason, we are planning to spend an entire day at our annual workshop session in April with our member companies exploring countermeasures which might be effective in combating drunk drivers, as well as ways in which insurance companies might get even further involved in these efforts. A representative of one NAII member company—GEICO—has already reported to the subcommittee on its successful "LIFT" program whereby employees are encouraged to offer free transportation home, with no questions asked, to persons they feel should not be driving because they are intoxicated. Other such voluntary efforts are planned or underway. Much more can be done, however.

According to H. Laurence Ross, who recently completed a major study of the problem for the National Highway Traffic Safety Administration, the most promising deterrent approach involves increasing efforts to apprehend impaired drivers and give them swift and certain penalties, not just making penalties more severe. A key element in deterrence is changing people's perceptions about whether they will be caught and promptly punished for drunk driving. In the final analysis, this can be accomplished only by state and local officials at the local level.

Therefore, NAII has reservations about the possible utility of Title I of S. 2158 which would establish an incentive grant program to encourage states to adopt stiff minimum sentences and vehicle impoundment provisions.

We believe there is a limited role which the federal government might assume in this battle against drunk driving. However, NAII strongly supports Title II of S. 2158, which would provide for the funding and improvement of the National Driver Register system (NDR) to assist the states in locating information about problem drivers at the time they apply for a license. While NAII would prefer that the states, rather than the federal government, maintain and operate such a system, the NDR is currently established and operational at the national level within the Department of Transportation, and the states are currently not prepared to carry on the program.

We recognize that the NDR, as it is currently operating, is often incomplete and slow. However, we believe the NDR improvements will result in an efficient and fast system which will assist the states in ferreting out problem drivers. An improved NDR should help keep convicted drunk drivers off the road by making it difficult for them to get licenses in other states during the period of license revocation.

NAII also supports S. 2159 which would amend the federal bankruptcy law to classify drunk driving as a "willful and malicious" act. This would close an inequitable loophole in the law so convicted drunk drivers are not excused from compensating accident victims.

We appreciate the opportunity to give our views on this very important problem and we urge the subcommittee to consider enactment of the National Driver Register funding and improvement provisions as soon as possible

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 1, 1982.

Hon. JOHN C. DANFORTH, Chairman,
Subcommittee on Surface Transportation. A709 Immigration, Washington, D.C.

DEAR MR. CHAIRMAN: Due to an unavoidable schedule conflict, I regret that I will be unable to testify in person today. Please accept my written testimony expressing my support for Senator Danforth's hearings on drunk driving and, in particular, ways to upgrade and streamline the National Driver Register.

Sincerely,

JAMES L. OBERSTAR, M.C.

Enclosure.

The National Driver Register is an effective and needed safety program to prevent the relicensing of problem drivers. All too often the deaths of our nation's highways are caused by drivers who have had their license suspended or revoked in one state, but have been able to receive another valid license from a different state. The NDR is the only federal program existing today whose sole purpose is to identify these problem drivers and notify the states involved.

Despite an outdated "batch mail" system, the NDR identifies over 268,000 problem drivers a year. I have introduced legislation in the House, H.R. 2052, to upgrade the NDR with a computer pointer system. This new system would cut the current processing time of between ten days to two weeks to under five minutes. The accelerated processing will increase the number of state inquiries and, as a result, increase the number of problem driver identifications to over one million per year.

H.R. 2052 has won the support of numerous automobile and safety organizations, including the National Highway Transportation Safety Administration and the American Association of Motor Vehicle Administrators, the umbrella organization responsible for the administration and enforcement of motor vehicle and traffic laws. Their endorsement is premised on the long-proven fact that by reducing the number of problem drivers on the road, the number of highway deaths will decline.

The existing NDR is a proven and effective system that has kept many problem drivers off the highways. The streamlining and updating of NDR, as provided for in H.R. 2052, togethr with adequate funding, will make the NDR an even more successful means of providing improved safety on the nation's highways.

It is my hope that the Subcommittee will support the concept of an improved NDR. It is a needed step to alleviate the continuing human carnage on our nation's highways.

POTTERS INDUSTRIES INC.,
March 1, 1982.

Senator JOHN C. DANFORTH,
Chairman, Subcommittee on Surface Transporation, Senate Commerce, Science and Transportation Committee, Washington, D.C.

DEAR SENATOR DANFORTH, Last week I had the opportunity for some discussion with one of the professional staff members of your Subcommttee relating to the hearings to be held this week on the problems of alcohol-impaired driving and the National Driver Register. During those discussions, we outlined some of the details of a new roadway environment approach to mitigating the problems of alcohol in highway safety, as contrasted to the more traditional approaches of law enforcement, publicity and driver education. Research has shown that this new approach may well provide a more effective and cost-beneficial alcohol countermeasure than has been tried previously.

In order to assist you and your Subcommittee in their evaluation of the drinking and driving problem, I have enclosed with this letter various documents which describe this new approach in greater detail. At your convenience, we would be happy to discuss this issue in greater detail, together with the other aspects of highway safety in which Potters Industries are involved.

Yours sincerely,

NICHOLAS D. NEDAS,
Director of Corporate Development.

Enclosures.

MODIFICATIONS TO THE ROAD ENVIRONMENT: A NEW ALCOHOL COUNTERMEASURE FOR HIGHWAY SAFETY

A 1978 study conducted by the National Highway Traffic Safety Administration found that approximately 50 percent of all driver fatalities involved motorists who were legally too intoxicated to drive. Approximately 11 percent of the drivers involved in injury crashes were similarly impaired at blood alcohol concentrations of greater than 0.10 BAC. This data is unfortunately all too familiar; regretably the annual toll in deaths and injuries due at least in part to alcohol impairment shows little change from year to year. As early as 1906, the Quarterly Journal of inebriety warned that: "The driver who seeks relief in alcohol makes a fatal mistake . . . he depresses the senses and mental activities below the danger line. No matter how skillful he may be . . . the use of spirits even in moderation lowers his ability to see and think clearly, also his control over his muscles. As a result his skill is lessened and his incompetency increased."

Despite this early warning, little real progress has been made since that time in combating the alcohol impairmnent problem on our highways.

Traditionally, alcohol countermeasures have focused on law enforcement, health therapy and public education. However, despite the best efforts of these programs, the alcohol problem still frustrates highway safety planners, and it is likely that if major progress is to be made then new approaches to solving the problem must be developed. Recent research has indicated that driver behavior is the key element in road accidents, and that such behavior is largely determined by the guidance and warning information received by the motorists. Over 90 percent of this information is from visual sources. However, the effects of alcohol impairment impinge directly on driver vision, and it has been shown that the presence of even small amounts of alcohol, well below the current levels specified for driving while intoxicated, significantly impair driver vision.

Modifications to the roadway environment have long been accepted as cost-beneficial means of improving driver behavior through the provison of better information. This was recognized by the Congress in 1973 when direct funding for such safety construction improvements were provided in the Highway Safety Act of 1973. These programs have been credited with saving an average of over 3,000 lives and 20,000 severe injuries per year since their introduction in 1974.

Given the proven effectiveness of this approach to highway safety, it was logical to consider whether an engineering approach to alcohol impairment might be feasible. Research reported at the Annual Conference of the Transportation Research Board in January, 1981 strongly supports this concept, specifically with respect to the use of wider than standard edgelines as an alcohol countermeasure on rural two-land highways.

Due in large part to the results of this research, major attention is now being paid to this new weapon in the struggle against drinking and driving. For example, a study now underway under the auspices of the National Highway Traffic Safety Administration and the Federal Highway Administration is analyzing a variety of roadway environment improvements as potential alcohol countermeasures. Further, the Governor's Alcohol and Highway Safety Task Force in the State of New York recently recognized that more extensive use and improved maintenance of road markings, as well as the introduction of wider than standard edgelines should be implemented given their potential for reducing the alcohol impairment highway safety problem.

The most current research conducted during the last few years indicates that the effects of alcohol on the driver are very similar to the effects of other kinds of impairments. For example, fatigue, lack of experience, old age and even adverse weather conditions all result in reduced visual information flowing from the roadway to the driver. It is likely that the roadway environment countermeasures being developed to counteract alcohol impairment are likely to have similar benefits on these other kinds of impairment.

It is a truism to state that there are no panaceas in the field of highway safety. A balanced program must be introduced if success is to be achieved in reducing of toll of deaths and injuries on our highways, together with the attendant economic costs. However, particularly in a time of fiscal cutbacks and budgetary constraints, it is vital that the money available be focused on the most cost-effective programs. The new roadway environment approaches to the alcohol problem promise to be both effective and cost-beneficial, and as such should receive significant emphasis in our battle to improve highway safety.

GOVERNMENT EMPLOYEES INSURANCE CO.,
Washington, D.C., March 4, 1982.

Senator JOHN DANFORTH,
Surface Transportation Subcommittee, Senate Commerce Committee, Room 5202 Dirksen Senate Office Building Washington, D.C.

DEAR SENATOR DANFORTH: All of us in the auto safety community applaud the leadership role you have played in the fight against traffic deaths. This issue is a vital public concern in communities across our country, and I know that concerned citizens everywhere join me in expressing appreciation for your efforts on their behalf.

I particularly appreciate the opportunity to testify in support of the Barnes-Pell Bill as it is being revised, and I would like to add my endorsement of the concepts embodied in your bill (S2158) on drunk driving. An automatic swift, and certain minimum license suspension by administrative procedure rather than judicial action is one of the strongest deterrents available. My personal view is that 90 days is a sufficient penalty to serve all the objectives of the legislation yet avoid reluctance on the part of police officers to impose the sanction. I also believe the effect of your bill would be significantly enhanced if the additional safety grant was earmarked to fund local drunk driving enforcement efforts. However, I support your bill in either event.

Again, thank you for your strong leadership in the auto safety field. GEICO stands ready to assist you in whatever way would be productive.

Sincerely,

TERRY BAXTER.

Attachment.

[Traffic Safety, September 1977]

WHAT THE DISTILLING INDUSTRY IS DOING ABOUT DRINKING AND DRIVING

(By P. F. Gavaghan)

In its attempts to solve the drinking problem; the American traffic safety system has a variety of tools at its disposal—punitive, educational, and therapeutic.

Genuine progress has been made in distinguishing chronic-offender drinkers from the general DWI population (first-time offenders), and in requiring treatment rather than punishment for alcoholics and other problem drinkers. But belief solely in punitive or crackdown measures persists in all too many quarters today.

The current patchwork of programs existing today represents fragmentary approaches—all too often in response to political, economic, emotional, and social pressures. Too many programs do not incorporate advances in scientific, educational, medical, and traffic safety knowledge. There is also a basic need for evaluation of programs to measure their effectiveness and accountability.

The traffic safety movement faces a set of hard choices: (1) to continue with the current patchwork of unrelated activities—in the courts, the licensing process, education, treatment, or (2) coordinate these subsystems more effectively so the burden is lightened, shared, better related, and less costly.

It seems clear we also can continue to throw money at problems or we can utilize existing resources and expertise more efficiently within a comprehensive framework that recognizes the total problem in all its diversity.

Increasingly legislative leaders will demand accountability for program performance. This in turn should be based on accurate data and approaches validated on a pilot basis. Drunk driving, and alcoholism for that matter, are not esoteric "special" problems outside the mainstream of public health, safety, and education. They must win their just share of support within the framework of valid health and safety priorities.

The Distilled Spirits Council of the U.S. (DISCUS) has been involved in drunk-driving and similar programs since the '40s, long before alcoholism and alcohol abuse problems became the national issues they are today.

We financed the pioneering development of breath-test devices in this country—through grants to the National Safety Council. This story is told in our Telling It Like It Is booklet.

ADOPT REALISTIC APPROACH

Know Your Limits. For years we joined with other groups in stressing the "If you drink, don't drive" approach, a notable failure in public education. A new approach, Know Your Limits, (KYL) originated in Racine, Wis., with cooperative work done by

local councils on traffic safety and alcoholism. These groups recognized that, despite admonitions, many normal adults continued to drink on occasion and then drive. The basic KYL card related number of drinks to body weight, time, and degree of risk.

The model KYL card was never intended for alcoholics, or inexperienced drinkers for that matter.

Our 1969 booklet—Drinking and Traffic Safety—initially endorsed this approach.

In 1972 the first broad-scale KYL campaign sponsored by our local industry groups and State agencies took place in Connecticut. Newspaper and broadcast coverage was immediately favorable.

We've encouraged wholesaler and retailer associations to start or support KYL campaigns in more than 20 States—in cooperation with ASAPs and State highway agencies.

The KYL concept was bolstered by a Denver ASAP study showing that the public is more responsive to "drink responsibility" messages than "if you drink, don't drive."

Responsible Drinking Ads. More than five years ago we began our "if you choose to drink, drink responsibly" campaign of national print advertising. This is probably one of our better know programs. Each year we've had a major ad message on drinking and driving. Our 1975 ad drew a phenomenal 31 rating in the Gallup and Robinson reader measurement study three times higher than equivalent messages on the same subject.

The campaign's content is based on normative drinking practices identified in the scientific, governmental, and professional literature.

DISCUS has also cooperated with the U.S. Jaycees on their Responsible Drinking and KYL programs for the past three years.

Our ads stress the responsibilities of the host and hostess, since drunk driving doesn't emerge out of a vacuum.

More than 13 million copies of these ads have been reprinted by government and other agencies at their expense. In States like California and New York they've been given to retail beverage alcohol customers at point of sale.

SPECIALIZED APPEALS

The ad messages for teenagers recognize the importance of adult behavior as a model for responsible decision-making.

The "Not everyone should drink" ad recognized there are those who shouldn't, for health and other personal reasons.

Fran Tarkenton's TV message last fall, while aimed at teenagers, held meaning for adults in setting an example. DISCUS cooperation with the National Football League and the Education Commission of the States brought his TV statement about responsible decision-making before millions of viewers during the 1976 NFL season.

Supportive Program. Our industry's support has consistently gone to national organizations and efforts objectively specializing in the alcohol abuse field, such as the National Council on Alcoholism's annual medical conference, the National Safety Council, the Alcohol and Drug Problems Association of North America, the National Association of Women Highway Safety Leaders, the University of Michigan's Highway Safety Research Institute, the Coalition for Adequate Alcoholism Programs, the American Medical Association, AAMVA, the STATES Program, and the North Conway Institute. These relationships have been a learning experience and provided opportunities for timely contributive effort.

VARIETY OF PROJECTS

This supportive program includes both memberships and active participation in major groups, plus support of projects. AMA and AAMVA, for example, are now in the evaluative stage of an information project concentrating on applicants for driver licenses. At the American Driver and Traffic Safety Education Association, results of a multi-state project in fundamental education for high school students are now in the process of being prepared for publication.

Undoubtedly one of our most fundamental contributions has been the "seeding" grant program independently administered for the past 16 years by the Scientific Advisory Council. A wide range of new hypotheses are being investigated with regard to the causation, prevention, and treatment of alcoholism and related problems.

One such study demonstrated that normal adults can be trained to know various blood alcohol levels—and thus their own personal limits.

A quietly productive effort by DISCUS has been the funding development of a model course in diagnosis and treatment of alcoholism at Harvard Medical School. It has been adopted at 36 medical schools. This year it was adapted to older practitioners so they could qualify for AMA credits.

We also, since the '50s, have sponsored independent development of objective source materials for alcohol education in the schools. *Learning About Alcohol* is now a major sourcebook; it was developed by the National Education Association under a series of DISCUS grants.

Upon request from teachers DISCUS provides annually updated resource packets containing the latest in health education papers by leading authorities.

The DISCUS economic research staff's studies provide reliable information on consumption. Statistics such as these unfortunately are often confused with data on problem drinking.

Industry Activities. In view of recent, emotional attempts to scapegoat brand advertising for alcohol abuse problems, it's pertinent to mention the DISCUS Code of Good Practice. One of its longstanding voluntary provisions is to keep liquor advertising off television and radio. All too many people continue to confuse beer and wine commercials on TV with liquor advertising, which has been voluntarily excluded from the airwaves since TV became a major medium.

Another dimension of our effort involved cooperation with organized labor through the National Coordinating Committee for the Beverage Industry (NCCBI). Unions representing 9 million members are represented in NCCBI—a unique avenue for our Responsible Drinking messages.

The WAABI credo is followed by 5,000 women in our industry—a force for moderation and community service. WAABI is the Women's Association of the Alcohol Beverage Industries, Inc. Its member are actively involved in highway safety efforts.

Industry publications—more than 125 of them—are an active source of information and education to all levels of our business. Trade magazines and newsletters have given DISCUS' goals and messages unwavering support—especially through our Trade Press Committee.

Our experience over the years, we believe, demonstrates DISCUS' concern for interest in those problems which include and relate to traffic safety. DISCUS makes every effort to act and speak not from a narrow special interest viewpoint, but rather in terms of what we perceive to be the best long range goal of reducing the drinking and driving problem.

AMERICAN BUS ASSOCIATION,
Washington, D.C. March 15, 1982.

Hon. JOHN C. DANFORTH,
Chairman, Subcommittee on Surface Transportation, Committee on Commerce, Science, and Transportation, Washington, D.C.

DEAR SENATOR DANFORTH: The American Bus Association requests that this letter be made part of the record of your subcommittee hearing conducted on March 3, 1982, on S 2519, your legislation of which Title II concerns a National Driver Register.

The intercity bus industry has been vitally interested in this subject for a number of years, and we commend your efforts in introducing a bill and holding hearings. We encourage you to move quickly on the enactment of a meaningful bill.

Last August, representatives of the American Bus Association and the American Trucking Association met with NHTSA Administrator Raymond Peck as we have met with members of your committee staff in the past to express our interest in the Register. Allow me to explain why we are interested.

We believe that the original intent, spirit, and purpose of a National Driver Register were good. We support your bill as we have supported other pending legislation such as S 672 introduced by Senator Claiborne Pell and HR 2052 introduced by Congressman James Oberstar for himself and Congressman John Rhodes, along with 15 cosponsors.

However, we would like to have direct access to the Register by transportation companies involved in interstate commerce. When common contract and private interstate transportation operators are hiring drivers, they need to check the driving records of applicants. The advantages of access to this information are apparent. If the intercity bus industry is to ensure safe transportation, direct access to the Register is one of the most feasible and timely means of obtaining the necessary information.

We would suggest that the information on violations in the Register be expanded to include such offenses as reckless driving, excessive speeding, and other serious moving violations. An employer hiring commercial drivers would be aided greatly by having access to information as outlined above.

In order for the National Driver Register to be useful, it needs to be highly developed technologically, providing an easily accessible, comprehensive picture in a timely manner. Many states have accomplished this, but there is not a comparable national system on the federal level.

Finally, we would suggest that all states be required to participate fully in the Register program. At this time, only some 26 states do so. Without the participation of every state, it will be difficult to achieve a comprehensive picture.

We appreciate this opportunity to express the views of the American Bus Association. We would, of course, be pleased to answer any questions or to discuss our views in more detail with you or members of your subcommittee or staff..

Sincerely,

NORMAN R. SHERLOCK,
President and Chief Executive Officer.

STATE OF NEW YORK,
DEPARTMENT OF MOTOR VEHICLES,
Albany, N.Y., March 16, 1982.

Hon. JOHN C. DANFORTH,
U.S. Senate, Committee on Commerce, Science, and Transportation, Washington, D.C.

DEAR SENATOR DANFORTH: Thank you for your letter of March 8, 1982 requesting additional information on questions that were directed to my panel during the hearing held before the Subcommittee on Surface Transportation of the Senate Commerce Committee on March 3, 1982.

The questions and answers are attached as you requested. I trust that the information I have provided will clarify the issues involved.

If I may be of further assistance, please contact me.

Sincerely,

JAMES F. MCGUIRK,
Deputy Commissioner for Operations.

Attactment.

Question. Could you suggest other ways to deal with this drunken driving problem—other than strengthening the legal sanctions?

Answer. The general deterrence model posits that the certainty and swiftness of punishment are more important than severity. Thus, the administrative tract that allows quick action on the license penalty is a key proposal. New York State recommends maintaining the criminal route separately.

The use of fine monies generated by convicted offenders to fund local programs is a recommendation to assist with fiscal issues.

Question. What about the young drunken driver, who is more likely to be a social drinker? What can be done to deter him from driving after drinking?

Answer. If youth perceive that there is a good chance they will be caught and swiftly lose their operator's license, they will be deterred from driving after drinking. This requires increased enforcement, selective use of traffic checkpoints or roadblocks, sound public information programs and certain, swift removal of the license for those arrested.

AMERICAN ASSOCIATION
OF MOTOR VEHICLE ADMINISTRATORS,
Washington, D.C., March 16, 1982.

Hon. JOHN C. DANFORTH,
Senate Commerce, Science, and Transportation Subcommittee on Surface Transportation, Washington, D.C.

DEAR SENATOR DANFORTH: This is in response to your letter, dated March 8th, in which you asked our Association to comment on two questions which were submitted to you, by your colleagues, pursuant to the March 3, 1982 hearing of the Subcommittee on Surface Transportation on drunk drivers and the National Driver Register.

Question. Is it your opinion that S. 671 would be effective with the "problem" drinkers?

Answer. In our complete statement, AAMVA commends the sponsor of S. 671 and points out "it has, no doubt, helped to raise the national consciousness on the urgent need to address the problem of drunk drivers. However, we feel it raises

some serious questions of the appropriate role for the different levels of government."

After emphasizing that AAMVA and its members strongly feel that there is an urgent need for a well coordinated, national campaign to effectively control drunk drivers, we point out that AAMVA has been—since shortly after the implementation of the National Highway Safety Act of 1966—strongly opposed to the concept of federally mandated state programs, accompanied by sanctions provisions on a state's federal funding for non-compliance.

We note in our statement: "Our Association is a proponent of a systems approach to state and local control of drunk drivers, and we believe that it must be predicated on what is termed the Traffic Case Disposition System. The major components of this system include the state and local officials who enact drunk driving laws, as well as those charged with enforcing, prosecuting, adjudicating, and administering alcohol laws and programs."

Question. A 1979 GAO report on this problem concluded that and I quote, "Society's general acceptance of drinking and driving is the main obstacle to solving the drinking-driving problem." Would you comment on that?

Answer. We believe that one of the most formidable challenges lies with changing the public attitude, with respect to the current apparent social acceptance of drinking and driving. Once there is a general public perception that it is not socially acceptable to drink and drive—within certain acceptable limits—we will be able to make significant inroads to solving the drinking-driving problem. Then—and probably only then—will there be sufficient public pressure brought to bear to ensure optimization of law enforcement, prosecution without plea bargaining, and maximum sentences by jurists (or at least sentences that are commensurate with the offenses of which drunk drivers are convicted).

On behalf of AAMVA Executive Director, Donald J. Bardell, and all of our members, I would like to thank you for permitting our Association to offer our views on highway safety as it pertains to drunk drivers and the National Driver Register. We look forward to continuing to work with you on these issues.

Yours very truly,

ROBERT S. BROWN, Jr.,
Director of Public Affairs.

ALLIANCE OF AMERICAN INSURERS,
Washington, D.C., March 18, 1982.

Hon. JOHN C. DANFORTH,
Chairman, Subcommittee on Surface Transportation,
U.S. Senate, Washington, D.C.

DEAR SENATOR DANFORTH: The Alliance of American Insurers was pleased to provide testimony at the recent hearing held by the Surface Transportation Subcommittee on federal legislation to combat drunk driving. We are pleased to respond to the two additional questions posed by the Subcommittee.

Question. If the drinking driver is rehabilitated should there be a mechanism for his restoration to insurance?

Answer. The question contains a false assumption that if a driver with a valid license is convicted of alcohol abuse while driving he will be cancelled in the voluntary insurance market and will not be able to obtain coverage elsewhere.

We believe it important that the Subcommittee recognize that automobile insurance today has not only become a necessity but that each state has taken steps to assure that automobile insurance is available to every licensed driver. Specifically, each and every driver in every state can obtain coverage in one or another insurance market as long as the driving license is valid and premiums are paid. One can obtain automobile insurance either through the voluntary market, specialty markets or state assigned risk plans. Although it is possible in certain situations for insurers to cancel or nonrenew coverage, i.e. for nonpayment of premium or when driving violations occur such as excessive speeding or drunk driving, the motorist can always obtain similar coverage elsewhere.

The Subcommittee should also be aware that the cost of automobile liability insurance is not significantly higher under state assigned risk coverage than when compared to protection provided in the standard voluntary market. For instance, those rate differentials which would occur when points are charged to a motorist apply equally to both assigned risk and voluntary markets. We are advised that a driver with a conviction for drunk driving on his motor vehicle record would find

that insurance costs in the voluntary and assigned risk markets are roughly comparable.

SUMMARY

A mechanism already exists today for the restoration of insurance which is the assigned risk program whereby the motorist can obtain necessary liability and often physicial damage protection as well. Besides assigned risk, many specialty insurance companies have been established to provide coverage that competes with or builds upon basic protection provided through assigned risk programs. Hence, there is no need for a separate insurance mechanism for restoration and protection as one already exists.

Question. The prospect of increased insurance rates or revocation of insurance upon receipt of information that an insured has been convicted of drunken driving deters courts from convicting persons of this offense. How can this be changed?

Answer. it is our belief that to the extent courts may be deterred from convicting persons from drunk driving, the rationale for this action rests more on the problems created through license revocation than because of any problems related to insurance cancellation. Again, cancellation does not preclude motorists from obtaining coverage from assigned risk or specialty markets.

In our judgment, what occurs is that courts and prosecutors are swayed by arguments (a) that individuals must maintain their licenses and cars for transportation and (b) that the offense is not so socially unacceptable as to be deemed criminal behavior. Under these conditions, shifts of insurance between the voluntary and residual assigned risk market should pay a decided secondary role in deterring convictions.

IN CONCLUSION

We hope that our response to your questions has been both constructive and comprehensive. We believe that can be learned from prior programs that have application in reducing the incidents of alcohol abuse while driving. It is important to recognize, however, that insurance underwriters and the insurance industry in general are not and should not be placed in the position of policemen charged with the responsibility of punishing those who drink and drive at the same time.

The responsibility to get the habitual drunk driver off the roads must be with the states. Once a valid driving license has been issued, states require that the licenses be provided insurance coverage upon payment of premium.

Finally, we hope the Subcommittee will keep in mind that insurance in today's would make available to all motorists in every state as long as they hold a vaild drivers license either through the voluntary, specialty or assigned risk markets.

Sincerely,

SALLY A. KIRKPATRICK,
Government Affairs Representative.

AMERICAN INSURANCE ASSOCIATION,
Washington, D.C., March 18, 1982.

SUBCOMMITTEE ON SURFACE TRANSPORTATION,
SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, D.C.

The American Insurance Association is a trade association representing about 150 property-casualty insurance companies which sell insurance in all fifty states. Our members write about $8.28 billion in auto insurance, which is approximately 22% of the total auto insurance in force. As a result, the Association has a keen interest in auto safety which includes a long history of work in the highway safety area. We strongly support efforts aimed at reducing traffic accidents caused by persors driving under the influence of alcohol, and we commend Senator Danforth for giving this national tragedy the attention it deserves. Senator Pell, Congressman Barnes and Congressman Oberstar also should be applauded for their leadership in this area.

The American driver licensing system is based on the premise that driving is a privilege, not a right. The American Insurance Association believes that this privilege should be extended only to those who are physically and mentally qualified to drive. In this regard, we feel the National Driver Register can be an important aid to states in identifying those drivers who have had their licenses suspended or re-

voked by other states. Too often, the states find out about drivers who have had their licenses revoked or suspended in other states only after a tragedy occurs.

The current National Driver Register is outdated and inefficient. At the present time, states which request information on suspect drivers, receive the information from the Register by mail. Often, by the time this data reaches the state, the license has been issued, and the driver is gone. Many of these drivers are repeat offenders who will continue to cause traffic accidents unless a system is devised to control them. The American Insurance Association believes that the full federal funding and reorganization, the Register can become an invaluable tool to state licensing officials for identifying problem drivers.

We recommend that the National Driver Register be upgraded to an automated, on-line system that will allow states to exchange information on problem drivers electronically rather than by mail. It should be converted into a "pointer system", with a central computer located in the Department of Transportation, that would direct inquiring states to the correct state of record. All substantive information should be kept in the state of record with only identification data, such as name, address and social security number, and the name of the state to be stored in the Register. In this way, the states would not lose any of their authority in licensing drivers within their jurisdictions. The Register would be used by the states strictly as an aid in detecting illegal drivers.

Solutions to the enormous tragedies caused by drunk driving will require the cooperation of all segments of our society. One essential area where cooperation is needed is between federal, state and local governments. The National Driver Register is a good example of this need because state officials, through the aid of an automated, on-line Register operated and funded by the federal government, will be better able to keep problem drivers off the road.

For these reasons, the American Insurance Association supports legislation to fund and upgrade the National Driver Register along with a full commitment from both state and federal officials to ensure its success.

Respectfully submitted.

JEANNE H. MCGOWAN,
Federal Affairs Analyst.

MOTHERS AGAINST DRUNK DRIVERS,
March 16, 1982.

Hon. JOHN C. DANFORTH,
U.S. Senate, Committee on Commerce, Science and Transportation,
Washington, D.C.

DEAR SENATOR DANFORTH: In reply to your letter dated March 8, 1982, and received by us on March 13, 1982; I am herewith attaching my replies to questions which were submitted following the hearing March 3, 1982 before the Senate Commerce Committee.

Question. Do you believe toughening the legal sanctions for drunken driving really does impress drivers as to how serious the State views the offense?

Answer. Yes, I do believe that toughening the legal sanctions for drunk driving impresses upon the drivers what a serious crime they have committed. I think the reduction in deaths and accidents we have seen in California, as a result of our new laws, (*) supports this answer. However, I also feel these laws are not enough, and that the biggest deterrent to drunk driving is the threat of getting caught. Unfortunately, in the United States there is no threat of getting caught; and when you do, nothing will happen. Along with legal sanctions, you need to promote community awareness. And, the sanctions must be inforced before they can be proven an effective deterent.

Question. In a report for NHTSA on alcohol and highway safety in 1978, the University of Michigan's Highway Research Institute said and I quote, "it is entirely reasonable to believe that problem drinking-drivers should be treated rather than punished." Would you agree?

Answer. I do not agree with the Michigan Highway Research Institute that (quote) "It is entirely reasonable to believe that problem drinking drivers should be treated rather than punished".

We have been using treatment for a long time in this country and it has not been effective. There is all kinds of research to back that up. You need a combination of

punishment deterrents and rehabilitation if you are going to reduce this problem. Whether or not someone has a disease or is a problem drinker does not mean they should be excused for their problem and turned loose to drive, drink, and kill again. We have pampered these people far too long in the past and that is why we have this problem now. Problem drinkers and alcoholics should be accountable for their actions.

Sincerely,

CANDY LIGHTNER, *President,*

SOUTH DAKOTA DEPARTMENT OF PUBLIC SAFETY
DIVISION OF HIGHWAY SAFETY,
Pierre, S. Dak., March 18, 1982.

Hon. LARRY PRESSLER,
U.S. Senate, Committee on Commerce, Science, and Transportation,
Washington, D.C.

DEAR SENATOR PRESSLER: The Department of Public Safety is very concerned about the drinking driver problem in South Dakota. Last year over 60 percent of all South Dakota fatality accidents involved a drinking driver. That represents an increase of approximately 17 percent from 1981. More important than any financial implication is the human tragedy which results from alcohol involved traffic crashes.

Governor Janklow has taken an active role in encouraging State agencies to support getting the drinking driver off the road. The Governor's philosophy is that government alone cannot solve this epidemic drinking driver problem. Laws can be passed that mandate severe penalties, but those laws are only effective if the public accepts and supports them. The public must demand action at the local level from police who are not arresting DWI drivers, the prosecutor who plea bargains most DWI arrests, and the judge who just slaps the offender's hand.

It is my feeling that penalties for those drivers convicted of DWI in South Dakota are severe enought to deter subsequent action, if those penalties are used. First though, someone has to be arrested and prosecuted for the initial DWI charge. DWI penalties in South Dakota are:

First Offense is a Class 1 misdemeanor which is punishable by a fine up to $1,000, imprisonment up to one year or both. You will also lose your driver license for 30 days.

Second Offense is a Class 1 misdemeanor which is punishable by a fine up to $1,000, imprisonment up to one year or both and loss of driver license for one year.

Third Offense is a Class 6 felony which is punishable by a fine up to $2,000, imprisonment up to two years and loss of driver license for no less than one year.

The public through elected officials appoints the police officials, the public elects the prosecutors and judges, and it is the public who sets the standards of acceptance or tolerance of the drinking driver problem. By providing Federal financial incentives for enactment of model statutes, you remove the responsibility from the local community. What is perceived as severe punishment in Mobridge may be too lenient in Sioux Falls. What is perceived as severe punishment in South Dakota may be too lenient in Florida. The Department sees no single solution to this problem and does not feel that the answer lies in passage of model Federal legislation.

In response to your legislative package of three bills, I would offer the following comments:

"To amend the Bankruptcy Act to provide that judgment debts resulting from a liability which is based on driving while intoxicated shall not be discharged."

The Department of Public Safety has no comment concerning this bill. Court ordered judgments regarding motor vehicle accidents are the closest connection to bankruptcy that we handle. I recommend that you contact the Attorney General's Office for comment.

"To amend Title 23, United States Code, to authorize and direct the payment of an incentive grant for highway safety programs to any State in any fiscal year during which the statutes of the State include certain provisions relating to driving while intoxicated; to establish a national driver register, and for other purposes."

SEC. 101. (k)(1) Under the bill as drafted, South Dakota would not be eligible for an incentive grant based on the following:

(A) SDCL 32-23-10 acts as the requirement of each licensed driver to consent to a chemical analysis of his blood, breath or other bodily substance for the purpose of

determining the amount of alcohol in his blood. SDCL 32-23-11 defines revocation or restriction of the license or privilege after the refusal, the administrative hearing process and a guilty plea exception. Both of these sections have been amended by the 1982 Legislature.

(i) Because of the guilty plea exception in South Dakota code, a decision would be required to determine if South Dakota would comply with Section. "A" (i). Additionally, South Dakota code does not require administrative action to commence within seven days after the occurrence.

(ii) A decision was made prior to this South Dakota legislative session not to pursue legislation that would administratively revoke the license of a person arrested with a BAC over 0.10 percent if the DWI charge is plea bargained to a lesser offense.

(B) HB 1267, introduced in the 1982 Legislature, requiring the suspension of a vehicle registration if the driver is convicted of driving under a license revocation was defeated in the House on a vote of 22 to 45. Section (B) of this bill appears to be more severe than SD HB 1267 that was defeated.

(2) The amount of incentive grant funds apportioned South Dakota under this bill is unclear as is the specific purposes for which the State may spend such incentive grant funds.

The Department feels that Federal funds should be used to assist the States in improving programs and laws pertaining to drinking drivers within each state's political and social climate rather than to reward by use of incentive grants or penalize by use of reduced funding a state's action on "model" statutes.

TITLE II—NATIONAL DRIVER REGISTER (NDR)

South Dakota now provides and receives information concerning South Dakota licensed drivers through the NDR. Presently all applicants for a South Dakota driver license and all revocations for DWI are sent to the NDR on a weekly basis. Additionally, information requests through the NDR on South Dakota drivers are processed by the state as received. Most of what is included in the draft NDR bill appears to be a positive systematic approach in identifying drivers who have accumulated unsatisfactory driving records (alcohol related or otherwise). Of specific concern to South Dakota is:

(1) South Dakota driver history information is removed from immediate computer storage after four years.

(2) South Dakota does not comply with Section 206(b) (1), (2), and (3) by reporting such information as required in this section.

(3) South Dakota has all driver history files computerized yet handles all NDR transactions through the U.S. mail.

(4) Initial cost to implement this electronic system would be required from a source outside of state government.

(5) 100 percent participation is required to make the NDR function properly.

The Department supports the "pointer" National Driver Register concept, within which a state would transmit an inquiry to the Federal Government, which would in turn identify any other states in which the driver in question had an unsatisfactory driving record. It would then be the responsibility of the inquiring state to notify the state of a record directly to ascertain the specifics of the driver record.

Please feel free to contact me if further explanation or additional information is needed. Thank you for the opportunity to review this legislative package.

Sincerely,

ROBERT C. CLARK, *Director.*

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